

ORAL HISTORY INTERVIEWS

BJORN SELINDER



STATUS OF INTERVIEW:
OPEN FOR RESEARCH



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Donald B. Seney in 1994
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Statement of Donation

STATEMENT OF DONATION OF ORAL HISTORY INTERVIEW OF Björn P. Selinder

1. In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms, conditions, and restrictions set forth in this instrument, I, Björn P. Selinder, (hereinafter referred to as "the Donor"), of Fallon, Nevada, do hereby give, donate, and convey to the Bureau of Reclamation and the National Archives and Records Administration (hereinafter referred to as "the National Archives"), acting for and on behalf of the United States of America, all of my rights and title to, and interest in the information and responses (hereinafter referred to as "the Donated Materials") provided during the interview conducted on August 26 and September 30, 1994, at Fallon, Nevada, and prepared for deposit with the National Archives and Records Administration in the following format: cassette tapes and transcripts. This donation includes, but is not limited to, all copyright interests I now possess in the Donated Materials.
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INTERVIEWER: Donald B. Seney

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Editorial Convention

A note on editorial conventions. In the text of these interviews, information in parentheses, (), is actually on the tape. Information in brackets, [], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

While we attempt to conform to most standard academic rules of usage (see *The Chicago Manual of Style*), we do not conform to those standards in this interview for individual's titles which then would only be capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Commissioner John Keys" as opposed to "the commissioner, who was John Keys at the time." The convention in the federal government is to capitalize titles always. Likewise formal titles of acts and offices are

capitalized but abbreviated usages are not, e.g., Division of Planning as opposed to "planning;" the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to "the 1992 act."

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development's acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.

Introduction

In 1988, Reclamation created a History Program. While headquartered in Denver, the History Program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University - Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation: water transportation over great distances; three Native American groups with sometimes conflicting interests; private entities with competitive and sometimes misunderstood water rights; many local governments with

growing water needs; Fish and Wildlife Service programs competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada; and Reclamation's original water user, the Truckee-Carson Irrigation District, having to deal with modern competition for some of the water supply that originally flowed to farms and ranches in its community.

Questions, comments, and suggestions may be addressed to:

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For additional information about Reclamation's History Program see:
www.usbr.gov/history

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**Oral History Interview
Bjorn Selinder**

Seney: Today is August 26, 1994. My name is Donald Seney, and I'm with Mr. Bjorn P. Selinder, and he's the County Manager of Churchill County. [We are] in his office in Fallon, Nevada. Did I say your name right? (Selinder: That's right.) Good morning.

Selinder: Good morning, Don.

Seney: I want to ask you first to briefly just tell me a little about yourself—we like to do that on these oral history interviews—where you were born, (Selinder: Sure.) what year and education and how you got to be where you are.

Early Life

Selinder: Sure. Well, let's see, I was born in 1944 in Göteborg, Sweden. [I] immigrated to this country with my parents, actually *twice*. Once, in I think it was 1949, and then actually [we] went *back* to Sweden in 1950, and then re-entered the country in 1951.

Seney: Was there a reason for that?

Selinder: I think maybe Mother and Father thought that it wasn't all it was cracked up to be. Yet, apparently, according to my mother, upon arriving back in Göteborg on the ship, going back in '50, the first words my dad uttered as we were docking was, "Well, I think we ought to go back to America." So I'm not sure what that was all about, but the fact remains that I'm here now and am a naturalized citizen, having been naturalized, I think it would have been about 1956, if I'm not mistaken. In fact, I can remember going down to the Hennepin County, Minneapolis, Minnesota, Courthouse and standing before the judge and taking the oath and the whole nine yards. That was a rather interesting experience for me. Both my brother and I—he's my only sibling, he lives in Minneapolis still—and my mother has since passed away, my father currently lives in North Hollywood in California at the ripe age of eighty-four. He finally retired out of the business world at the age of seventy-nine.

Seney: What did he do?

Selinder: He was an electro-mechanical engineer by training and profession. But yet, I remember the stories when he first came to this country, his first job was a mail boy for General Mills Corporation in Minneapolis, and of course,

gradually worked his way up through the ranks, finally working for, among others, Honeywell Corporation, Hughes Aircraft, Aerospace Corporation, which is a kind of a quasi-governmental think tank in El Segundo, California. Which, interestingly enough, I worked for too! (chuckles) And as a matter of fact, you know, usually it's the father who gets the son into an organization, it was the other way around for me.

Seney: Oh is that right?

Selinder: So it was rather an unusual situation. Anyway and then he finally retired. In between he had an opportunity to run a machine shop on his own and did a lot of other things, so he was quite a versatile fellow in his prime.

Seney: How long did you live in Minnesota?

Selinder: Well, actually we lived in Minnesota, the first time, '49, we lived there for a while and then in '51 through 1962, actually, at which time that was when I graduated from high school there. I attended Southwest High School in Minneapolis. I can remember coming home from the usual all-night class party, [with] the moving van out in front of the house and they

were packing and we were on our way to California.

Seney: Did you know this before?

Selinder: Oh, yes, of course. And we had planned all of this and of course they were just holding off until I graduated. Anyway, that was the start of a lot of adventures. When we got to California, I started college. You know, in those days college was cheap and available down in California.

Seney: Where was that?

Selinder: A little junior college called Los Angeles Harbor College. [I] ended up getting a two-year degree there in general engineering and machine tool design, actually. And [I] dawdled along for quite a few years before I finally went back and got my degree after attending, my God, I don't know how many different colleges or universities. For a while, I attended the University of California at Long Beach [California State University Long Beach]. In between there, [I] got married in 1966, to my wife, Judy.

Seney: Do you have children?

Selinder: We have two daughters.

Seney: Their names are?

Selinder: Kristen and Majken, which is an unusual name, it's M-A-J-K-E-N, very Swedish. My oldest daughter is twenty-five and my younger one is nineteen. The older one has graduated from the University of Nevada here at Reno in a very [unusual major]. What can we call it? (laughs) I'm not sure it's going to be terribly useful to her (laughter) but she has a degree in fine arts and (Seney: Good for her.) anthropology, which is a rather interesting combination. So she's working for a small firm up in Reno right now that is involved in cultural resources work, which primarily, they contract with private industry when private industry is seeking to enter upon the public lands to do things like geothermal exploration, drilling, mining and so forth. So they have to go through them with a fine toothed comb and she's enjoying that. She runs the office and is instrumental in some of the writing and whatever else goes on there.

The younger one recently got married, after a rather interesting twist. She was a Rotary exchange student, as my oldest

daughter was. Anyway, she went to Sweden for her Rotary exchange year, and fell in love—you know how that goes—and came back. Her boyfriend, at that time, he was so enamored with her that he followed her over and they decided to get married, and they're living here in the community now. My youngest is attending the local community college and my son-in-law is employed out at Kennemetal Corporation, which is a large metallurgical manufacturing company here in the area, and I guess is a Fortune 500 company, so there's apparently a good basis for employment out there.

But anyway, getting back to *my* situation, I attended Cal State , Long Beach, and then my wife and I moved to Minneapolis again just for a few years. I think that was about 1968. During this time, when I had been going to school, in fact, since about 1963, I had begun in a career that involved, of all things, ordinance and arms and all manner of goofy things in that regard. So I was involved, very heavily, of all unusual things—pyrotechnic devices, for instance—which, incidentally, some of them are on the moon right now, you know, leftovers from way back when. Also, some actually went on a couple of Mars shots and

heaven knows where after that. I was involved in tooling design for some of that equipment and some of the testing and so forth. That was rather interesting career, to say the least.

So upon arriving in Minneapolis—and we just decided to move one day, came in there cold and so on—and found a job with a company called Winds and Research Corporation, at that time. They were an unusual group too, because what they did was, there were only two companies in the entire United States that manufactured these *huge* stratospheric research balloons—these giant big bubbles you may have seen pictures of and so on—that would generally float to 100,000 feet plus and stay there for days and weeks.

So I spent maybe a year-and-a-half tracking weather balloons, those big research balloons. We were experimenting with heavy lifts and large payloads at that time. You can imagine a balloon capable of lifting eleven tons, for instance, it was a *huge* program. [I] got involved in designing some of their pyrotechnic devices that they needed for separation of some of the payload and things like this. [I] learned an awful lot about plastic

film manufacturing and thermal welding and plastic materials. So far, none of this has lead us down the path of politics has it?

Seney: Right, not at all.

Selinder: Which is unusual but true. I have to say that I continued on and switched jobs in Minneapolis, went to work for a small ordnance manufacturing company and was involved with them for about a year-and-a-half or so. During this period of time, in the latter part of the 60s, I guess in 1970, my family on my wife's side, we kind of got together and decided we'd form a small corporation. This corporation kind of was a real catch-all that provided for, among other things on the other side of the family, records management, reorganization expertise, which had been brought in from previous employment with Remington-Rand Corporation: my mother-in-law was involved with them. Back in the days before computers really came in big, all the manual files and things like this, they'd go in and *completely* reorganize their filing system for large corporations and even small outfits, depending on their needs.

So anyway, that was brought in and then

I had a lot of ideas, a few patents and some other things and we thought we'd try our hand at just kind of, shall we say, freelancing. Since we didn't need any special location, we ultimately ended up moving from the Los Angeles area. This time we'd moved *back* to Los Angeles in '71 I think it was.

We'd begun our corporate endeavors in L-A [Los Angeles] and a little bit in Minneapolis, and I went to work for Aerospace Corporation. Aerospace Corporation was a quasi-governmental think tank that was really under the umbrella of the United States Air Force. That was an interesting thing because I worked in this great big vault. You had to have a secret or top-secret clearance.

Seney: What kind of things did you work on generally? Can you say categories?

Selinder: Well, that was unusual. I was the only mechanical designer in an entire office full of electrical engineers and electrical design people. So I was responsible for designing testing fixtures and things like this and kind of integrating the electronic equipment together with the mechanical side. So it was rather

interesting, in what I had to do. A lot of them had no idea of things like tolerances and classification of fits and all of the other things. And materials yet, were absolutely way off in left field when it came to things like electronics, and were very much on the cutting edge.

We worked on everything from satellite "D"-spin systems—which you may have seen pictures of, for instance, where a portion of a satellite will actually be stationary while the rest of it is spinning around under it to give it some stability. Those kind of things, laser research, you know, in the very early stages of lasers. And some really fascinating things like that, that at that time were very hush-hush and required top-secret clearance.

So that was interesting. But, again, we were kind of beginning to get rolling with our own little corporation called Semo, Incorporated, for Selinder and Moffitt, so it's S-E-M-O. My mother-in-law had worked in the Fallon area before, as a records management systems reorganizer, and had actually worked for Churchill County under then-County Clerk, Manny Berinchia [phonetic spelling]. And Manny, and Lois, my mother-in-law, had hit it off very, very

well and she had a very good experience here with a lot of people that she knew and made a lot of friends and so forth.

So, along about 1969, our first daughter had been born and of course, she had been traveling with us here and there. Essentially, we decided that Los Angeles was not a good place for children, just a pretty crazy place to live, even back in those days. So we were looking for a place to locate, and I can remember my mother-in-law saying, "Why don't you think about Fallon?" And you know, we didn't need any specific location for *our* business, and so we moved up here. That would have been about 1973 that we finally came up from Los Angeles to this area.

We tinkered around and ran the business for about a year. You remember 1974 was the first big oil crises: petroleum, the OPEC [Organization of Petroleum Exporting Countries] and so on? It caused a lot of things to change, including some tremendous increases in airline fares and travel expenses and things like this. By this time, we were contracting up to sixteen people who were traveling mostly throughout the western United States, providing these records

management reorganization services. It became increasingly more difficult for us to essentially, make a decent return on the operations.

Going to Work for Churchill County

In the meantime too—I must add—I was just tinkering around, we were playing around a little bit with advertising for little knickknacks, and things like this, homemade-type things in *Better Homes and Gardens*, for instance. I can remember us making some small flower benches and things like this and we'd sell them mail order. It was a living, but it wasn't exactly a big deal.

Well, that went on then for about that year before I, shall we say, "sought gainful employment." (laughter) Just on a lark, after having decided that I really should get out there and pull my own weight, [I] came into the county offices, which at that time were located on the south end of town. I can remember going in and filling out the forms and bringing my résumé and whatever. The acting county manager at that time—his name was Tom Robinson—interviewed me and I guess he was impressed with my background and so on and so forth. But, it was one of

these, "Don't call us, we'll call you." You know, "Thank you very much, it looks interesting but we have . . ." And I mean at that time, I was perfectly willing to go to work as a truck driver, if it came right down to it. So, I left that day thinking, "Well, nice try."

That afternoon, I got a telephone call from the secretary. She said, "Could you come back tomorrow?" In fact, it was maybe even that afternoon, I can't remember exactly—I think it was the following day. Again, [I] met with Tom Robinson and he said, "Well, we've had a very interesting turn of events. After you left yesterday, the resource coordinator just up and resigned and left. We need somebody to replace him. Would you be willing?" I said, "Certainly, no problem. What's a resource coordinator?" (laughter)

Well, as it turns out, it was more in the nature of planning and things like this, coordinating with the Planning Commission and so forth, and building permits and the like. Although I'd never really done anything *directly* related or so forth, I had some peripheral things, with respect to long-range planning and so forth, and so it fit right into

kind of what my background was.

Interestingly enough, I can remember because of my name, Bjorn Selinder—it's very foreign sounding to, especially a bunch of folks out in the West, in a small community—having lunch with the county commissioners because, as I later found out, they wanted to know if I had a heavy accent or anything like that. I kind of chuckled over that. (laughter) I guess we hit it off very well and so on.

Not too many months thereafter, a rather interesting turn of events took place. The Board of County Commissioners apparently were dissatisfied with Mr. Robinson, so they apparently went ahead and hired a county manager, who's first order of business was to fire the acting county manager. And then, of course, to interview staff and everything else to see who would go and who would stay.

Seney: Was this someone from the outside of the county?

Selinder: Well, actually, no. It was someone from inside the county—not within the county itself, but as a resident of Churchill County. His name was Jim Carter, who, interestingly

enough, is now one of our county commissioners many years later.

But Jim came in from a school background. He was, I believe, the principal of the old Oats Park School, the last principal before they closed it. So he came in like a tornado about the month of October in 1974. I came in August—August 8, as a matter of fact—1974. So, when he came in and began going through the process, I thought, "Well, that was a short-lived job." Well, as it turns out, Jim and I hit it off *very* well and have continued to be fast and close, dear friends. I mean I view him as an older brother, and truly, truly find him to be probably one of the finest *friends* I've ever had. In fact, he's living next door to me at this point in time, not too far away. We're always at each other's throats, in a friendly sort of a way—you know what I mean? In fact, we can really go at it around here and holler at each other and everything else and everybody else is just appalled at our antics. But, we don't take it seriously and it's just the way we communicate, I don't know how in the world that ever evolved, but it has.

So anyway, that's how I came on board with the county in the initial process. Jim was

a different type of administrator, he was very, very hyper in his activities and he would get so heavily involved in things and internalize it so much, that it began to affect his health. Apparently, he had some chronic blood pressure problems and things like this, and it required that in May or June of 1976, he resigned.

Becomes County Manager

Well, at that time, the county commissioners were just absolutely beside themselves, didn't know what to do. Jim had really done a good job of turning the county around and kind of bringing the movement ahead into, shall we say, a more progressive era. So they were quite perplexed, didn't know what to do and so they came to me and said, "Hey, you want to be acting county manager for a while until we can find somebody?" I said, "Sure. By the way, if you're interested, I'd be willing to take the job." So they went out and advertised, and I helped in the process, I remember, and so forth. I guess after they went through their selection process, they called me in and said, "Congratulations, you're the new county manager."

So I took that job along about July of 1976. I've been in the county manager's position ever since, which makes me probably, if I remember correctly, the second-longest-lived county manager in the state of Nevada.

Seney: I would think, yeah.

Selinder: Most unusual. When I went in, I did, of course, a little research and so on, and found that most county managers nation-wide, they lasted on an average of eighteen months. I thought, "Well it's going to be a hell of a ride, might as well enjoy it, let's see what happens."

Seney: I want to ask you, I don't have to tell you that local small-town government is very political.

Selinder: Oh, indeed it is, *extremely*.

Seney: There are a lot of personalities, there's a lot of history that (Selinder: Uh-huh.) you may not, as an outsider, be aware of and can stumble into and whatnot. I'm sure you've had *that* experience. (Selinder: Oh, yeah.) You're smiling. But, you must have taken to it pretty readily, I guess?

Selinder: Well, apparently I did because obviously I'm still here. You know, it's funny because coming from a more technical background, very frankly, I hate to stereotype people, but I think I fit pretty much into the niche of being one of those uncommunicative nerds that, shall we say, generally fits into the niche of a technical individual.

I can remember talking to my wife and so on and saying, "Hey, guess what's happened?" And, in my own mind, resolving that I had to change the way in which I did things and I had to absolutely *force* myself to become a communicative person. Apparently that's been successful. (brief interruption)

Politics in Small Communities

In regards to politics, you know, obviously small communities are certainly a hot-bed of political intrigue and part of that, I think, is fueled, to a certain extent, by rumor and word-of-mouth and things like this, which probably don't exist in the big city. But I'll tell you what, I think I'd rather take a small community environment because of that close-knit way of doing things, rather than a large community. The reason for that I think is, you know, in a large community things are so

well-organized, so well-oiled. So if there's a direction that is taken, it's very difficult to "steer the train," shall we say, and cause a change in public perception and attitude. And there, it becomes more of a huge P-R [public relations] campaign. *Here*, it's more of a one-on-one, you know, a jawboning and a persuasion, if you want to call . . .

Seney: Well, I think that's where we were when we were interrupted. You were saying you kind of had to change yourself (Selinder: Exactly, that's right.) to take this. Let me say, it takes a pretty peculiar individual to be able to have strong views (Selinder: Yeah.) in a small community, (Selinder: Uh-huh.) get them across without angering enough people over the years, that pretty soon, you've got a trail of enemies (Selinder: Precisely.) over all of these old issues that are overwhelming, and obviously, you haven't had that problem.

Selinder: Well, for some reason, I guess from the standpoint of being the county manager, I think I learned very early on that my job really, is the administrator for the county as opposed to the policy-maker. I've tried to—in my own way—leave the policy-making to the elected officials, where that decision-making

process belongs. In fact, I've, over the years, always joked with any commissioner that was in at the time, about, "that's what you guys get paid the big bucks for, is to make those tough decisions." And of course, obviously these commissioners don't make a lot. Even now, I think it's an annual wage of \$15,000 dollars and that's about . . .

Seney: For what's probably virtually a full-time job.

Selinder: Exactly. These guys probably easily enough put in forty hours, either directly or indirectly, through a series of, shall we say, processes that involve, among other things, reading ever scrap of mail that comes through their hands, talking on the telephone with people, meeting at all hours of the day and into the evening and taking trips and doing things like this. I mean everybody thinks it's a glamorous job, but I can tell you it is a *real grind*. Anyone that does this, is to be commended, absolutely. I've never seen such dedication on the part of these individuals that, shall we say, take on that responsibility of being a county commissioner.

Seney: How long do they generally serve? Do you have some long-term people?

Selinder: Well, sure we do. Now, Commissioner [Cyril] Schank, who just dropped in, he's not running again and he's going to retire and go back into ranching and farming, which he loves dearly, and do some traveling with his wife. But, at the end of this term, Cyril will have served eight years. We've had other elected officials, in other capacities, that have served twelve to sixteen years. And we've had county commissioners, actually I know of one that served twelve years, but not directly—it's been two consecutive terms, a break, and another term. So, yes, we've had some dedicated folks that have stayed there for more than one term.

Seney: But beyond two terms is kind of unusual?

Selinder: It's getting a bit unusual, it's *so* demanding.

Seney: Is that what you're going to say, so demanding and . . .

Selinder: Yeah, it really is.

Seney: And aren't they likely, after two terms to, of themselves made enough decisions that they've kind of lost their political base, to some extent, do you think?

Selinder: No, I don't think that really is what drives it so much. For instance, Cyril, I think, could be reelected in a heartbeat. He's well thought of, well liked. And certainly, has, I think, just from my observations, attempted to reflect the community's political views with respect to issues. So I don't think he would have any problem at all. A few people make enemies, yes, and maybe couldn't be reelected dog catcher but that's few and far between and they are unusual. And a lot of that comes from, I think, just in my own personal observations, the ones that seem to be more controversial and "out of step," if you will, are more in there for a single issue and it tends to be more of a micro-management issue than it is really something reaching out to the outside for input. So they're more concerned with the internal workings. Whereas, those that are more concerned about reaching out and are *not* so concerned about the internal workings, leaving that to management, seem to, in my opinion anyway, do better with respect to the public's perception of their effectiveness.
(interruption)

Seney: We were talking about how long the county commissioners served.

Selinder: Oh, yes. So anyway, as I was saying, those

that seem to reach out to the community, have a better chance, in my opinion, of being reelected and they're held in higher esteem, I think, than those that try to dig into it.

Seney: I know Mr. Schank's been here all his life, (Selinder: Yes, he has.) Mr. Reagan, [phonetic spelling] who just dropped in, is he a life-long resident?

Selinder: No, he's not actually. I think he was born in Boston, Massachusetts, and came out West at an early age, I believe. This is now his second term as well. In fact, I'm hoping maybe he'll try for a third term, might be one of those unusual ones.

Seney: You like to work with him, do you?

Selinder: Oh, I like to work with Mr. Reagan, (Seney: Yeah.) he's great. Anyway, Jim recently retired . . .

Working with the County Commissioners

Seney: By the way, would you go to him and say, "Listen, I need you, would you run again?" I mean do you shrink from doing that.

Selinder: I try to stay out of the political arena pretty much, I mean I would on a private basis. (Seney: That's what I'm talking about, have a private conversation?) Oh, of course I will. In fact, I tried to convince Cyril he had to run again. (laughter) But, he has his mind made up and so on, and I like to think that at least I have *some* input into their decision-making process, but obviously their own personal feelings have to come first and so on. But, I am in no position to draft anyone or anything else. (Seney: No, I don't mean publicly.) I certainly don't represent any political party. (Seney: You have to be pretty careful about that.) As a matter of fact, I think maybe that's reason I've managed to hang on so long is that I try and be very neutral with respect to any party politics. So, it's either, I don't attend *any* party functions, or I attend them all. So, in other words, if I go to, for instance, a Jefferson-Jackson Day dinner on behalf of the Democratic party, I also make absolutely sure that I attend the Lincoln Day dinner for the Republican party because I don't want to be perceived as being somebody who is playing a political role. Really, that's not my purpose directly, although, I have to admit, obviously, privately, I am sure I play politics as much as anyone else does, after all.

But, when it comes down to it—in all the years I've served—my position has always been, I'll argue like crazy in a private setting with the commissioners individually, but I will never take that argument out in public even if I *vehemently* disagree with their decisions. Because, after all, they have their reasons for making those decisions and we'll just have to make the best of it and do what we can with it.

Seney: And they are, after all, elected representatives.

Selinder: Absolutely, and they are the direct representatives of the people and so, consequently, I can't second-guess that.

Seney: Let me turn this over.

END SIDE A, TAPE 1. AUGUST 26, 1994.

BEGIN SIDE B, TAPE 1. AUGUST 26, 1994.

Seney: We've just been interrupted, understandably by two members of the board (Selinder: Yes.) the Chairman Mr. Schank, and Mr. Reagan. In both cases,—and I hope you don't mind my saying this on tape—you've alerted them that Senator [Richard H.] Bryan, who's running (Selinder: Yes.) for re-election, will be up in

Fernley for a luncheon. (Selinder: Right.) This, you don't regard as party politics. (Selinder: No, no.) You're looking to advantage the county by (Selinder: Exactly.) having some represent[ation]. Tell me what you're thinking when you remind them of these, if you don't mind.

Selinder: Well, I think that my duty to the Board of County Commissioners is to keep them as informed as I possibly can. Whether that involves a political function or whether it involves a purely business function, I think it's my duty to the best extent possible, to let them know what's going on out there in the community, in the event they're not aware of it.

In this instance, I don't think anyone was aware of it because my telephone message this morning, that was the first I've heard of it. So, I at least give them the opportunity to avail themselves of that situation where they hopefully can have a few minutes with the senator to speak privately or whatever.

Seney: What do you suppose might be on the county's mind these days? (Selinder: laughs) If you were up there to . . .

The Importance of Water to Churchill County

- Selinder: I woke up now! (laughter) Maybe water on the brain, what else is there?
- Seney: I've got to try. If you had a few minutes with Senator Bryan, what would you talk about or what would you hope Mr. Reagan or Mr. Schank would be bringing up to him?
- Selinder: I think that certainly we would need to discuss the issues relative to water. Let's face it, that is the number one *burning* topic in this community, is water and the lack thereof.
- Seney: The uncertainties over water.
- Selinder: Yes, and the uncertainties over that water and some of the certainties over the water—which we have seen as well—such as, the recent legislation and whatever that, in *my* mind anyway, clearly spell out some changes that are already happening.
- Seney: The settlement legislation.
- Selinder: Yes, exactly. So, I think what we need to do is to discuss *that* issue in some probably narrow context, such as, for instance, the fact

that we're not all together happy. In fact, we're not happy at *all* with the preliminary draft environmental impact statement [EIS] on the Wetlands Water Right Purchase Program out here at Stillwater, for instance.¹ We've begun tearing that document apart.

Seney: What don't you like about that?

Selinder: Oh, my God. (interruption)

Seney: I was asking what you don't like about the E-I-S? Let me approach it in another way, if I can. Why don't we go back to when you become the County Administrator (Selinder laughs) or when you come to the county here as an official and you first come into contact with T-C-I-D [Truckee-Carson Irrigation District] and the whole irrigation question. Would it make more sense to start it that way? (Selinder: Well, we probably could.) Or do you want to start from the front and go back? Either way, whatever makes more sense to

1. U.S. Fish and Wildlife Service, "Stillwater National Wildlife Refuge is located in the Lahontan Valley of north-central Nevada, near the community of Fallon, sixty miles east of Reno. This area has been designated a site of international importance by the Western Hemispheric Shorebird Reserve Network because of the hundreds of thousands of shorebirds, such as Long-billed dowitcher, Black-necked stilt, and American avocet passing through during migration." www.fws.gov/refuge/Stillwater/about.html.

you.

Early County Water Issues

Selinder: Well, going backwards then, when I came to work as a Resource Coordinator and working with planning issues, it was pretty evident to us that the lifeblood of the community was, in fact, the irrigation system that provided water here. Beyond that, of course, it doesn't take a mental giant to take that extra leap to see that, as a result of that, a great deal of our economic viability depends upon that structure.

Beyond that—although it didn't happen while I was Resource Coordinator, it happened sometime before that a few years prior—there had been a very *contentious* master planning program that resulted in some very, very comprehensive local legislation to protect those water rights, at least given the current conditions back twenty years ago.

Seney: These are county ordinances?

Selinder: Yeah, county ordinances, essentially planning and zoning and so forth, that limited the division of water-righted parcels into not less

than twenty acres, for instance. Trying to maintain some semblance of an agricultural farm unit.

Seney: That would pretty much imply a farming operation of twenty acres.

Selinder: Exactly. Now, my understanding was, that really, that was sort of the grand compromise because of the hue and cry of some of the local people, and their resentment of the, quote, "interference," unquote, by government into their own private affairs and they wanted to do what they *damn* well pleased with this stuff. You know, buy it, sell it, trade it, whatever it took.

Seney: There was one faction of water right owners that wanted complete freedom.

Selinder: Yeah, exactly. And there were others who appreciated what was trying to be accomplished here. And, as I understood it, it really had been modeled originally after some of the legislation that had taken place down in the Central Valley in California. Down there, I can remember reading over ordinances—copies from some of the counties down there—and they limited their land divisions to *eighty* acres for water-righted

land. So, you know, I mean twenty acres, in my opinion, was a pretty healthy drawback from a position that *could have* been probably even more protective of those farmlands. But, we worked with it and so on.

For years, that seemed to help to control the indiscriminate division and disposal of those irrigated acres. That persisted until—what would it have been, probably '89, '90, somewhere in there—when the Board of Commissioners here finally came to the conclusion that it didn't make a damn bit of difference. Well, it would have been after the legislation I guess, or just kind of concurrently with P-L [Public Law] 101-618,² so it would

2. Public Law 101-618 became law on November 16, 1990. The law contains two acts: The Fallon Paiute-Shoshone Tribal Settlement Act and the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The main topics of the legislation are:

- Fallon Paiute-Shoshone Tribal Settlement Act
- Interstate allocation of waters of the Truckee and Carson rivers.
- Negotiation of a new Truckee River Operating Agreement (TROA)
- Water rights purchase program is authorized for the Lahontan Valley wetlands, with the intent of sustaining an average of about 25,000 acres of wetlands.
- Recovery program is to be developed for the Pyramid Lake cui-ui and Lahontan cutthroat trout

(continued...)

have been after '90. But, they kind of came to the conclusion that it didn't matter, the acreage limitation, so they removed the acre limitations on water-righted lands and it just conforms with the underlying zoning that's within a particular area.

Seney: It didn't matter because . . .

The Purchase of Water Righted Lands

Selinder: Well, their thinking was that in one way, the [U.S.] Fish and Wildlife people were in, purchasing up water rights or lands *and* water rights, and then of course, converting the lands and stripping the water and sending it down to the wetlands. And that it seemed to be an easier process, in all honesty, for those larger lands because they only came in and had to do one appraisal for a very large block of water. Therefore, the board was—in all

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2. (...continued)
- The Newlands Project is re-authorized to serve additional purposes, including recreation, fish and wildlife, and municipal water supply for Churchill and Lyon Counties. A project efficiency study is required
 - Contingencies are placed on the effective date of the legislation and various parties to the settlement are required to dismiss specified litigation.

Source is: http://www.usbr.gov/mp/lbao/public_law_101-618.html (accessed December, 2011).

honesty—looking for a way to slow this process down to buy some time to try to provide for, you see, a means to properly evaluate this. So they just simply removed the water right restrictions and allowed the land to go more to a market based, whatever the economy and so on would support.

Seney: The earlier limitation was to discourage building of homes.

Selinder: Exactly.

Seney: But unwittingly, you made it easier for the Fish and Wildlife to buy large plots, without meaning to.

Selinder: Exactly. Well, at least that was our impression, you see. So, by changing it, we felt that at least then it might even raise the value of water rights, inasmuch now, the smaller parcels, with a potential for a higher unit cost, essentially, would, in all likelihood, raise that value because among the biggest complaints we'd heard from the ranchers and farmers here—and I have to admit, I think I agreed with them—was that the water in this valley was undervalued, especially when you began comparing it to the uses that water was

being applied to up in the greater Reno-Sparks area: Where water rights up there were running for up to \$2,500-\$3,000 an acre foot, down here, when the Bureau [of Reclamation] first began buying water, I think it was selling for about \$400-\$450 dollars an acre foot.

Seney: So essentially, a pricing strategy on your part.

Selinder: Yeah, well, it was sort of a pricing strategy. And of course, since then, now, the bureau has responded back and of course all of the other elements. (Seney: Which Bureau?) The Bureau of Reclamation. But, also, I think through probably input from various environmental groups and so on, that are part of this whole scenario. They come back in now, and, I think, part of the proposal—as I understand it is—is to try to come up with some sort of a structured pricing system that will penalize, essentially, or charge a higher rate for the *non-agricultural* water for parcels of less than ten acres, that have water rights now, as opposed to those that are *agricultural* and the unit pricing for water then would be lower, in terms of the delivery price, if you will, or the cost of water. So they're trying to make some sort of a distinction there between a hobby farm and a true farmer, if you will.

Seney: And on which would the water rights be worthless, the hobby farm?

Selinder: No, no. They would be worth probably *more*. What am I trying to say? The market will probably cause, or already *has* caused, the price of small parcels of water-righted lands to go straight up. And I believe—if you haven't already spoken to our assessor—he's been able to make clear distinction between water-righted and non-water-righted lands in our community, plus an intangible that is a factor as part of the pricing mechanism, that seems to—in my opinion anyway—lead me to believe that what we did was probably right. I mean that the smaller parcels are worth more per acre than the larger parcels, even though probably, from a production standpoint, you know, I mean you don't get much off of a little ranch that you grow some hay on. The fact is, that it's a desirable thing to have.

Seney: But it sounds to me like that maybe you've forced the price per acre down on the larger parcels and up on the smaller ones.

Selinder: Not necessarily, I don't think so. Now, we may be wrong on that, and obviously only time will tell, but you know what I've noticed

is, that the sale of water rights, I think that the Fish and Wildlife—who is actually the purchaser of this water—they're having a devil of a time meeting the original legislation that took place prior to P-L 101-618.

There was an earlier period of time there when the Truckee-Carson Irrigation District Board of Directors agreed they would allow for the purchase and transfer of an amount of water up to 20,000 acre feet, just to help out down here at the wildlife area. You know, as I understand it, they've only managed after four or five years to come up with about 12,000 acre feet of water, *maybe*. And it's a very long and tedious process for them. I don't know how that's going to go. I can't speculate.

I can't really, in my own mind, picture how this is going to go. But, what I'm beginning to find, I think—just from an observation point of view—is there are a lot of farmers out there, I'm not saying hobby farmers, I mean *farmers*, by God are going to hang on to that water right because they realize—I think many of them for the first time—that they probably have an extremely valuable commodity and that they're not going to simply part with it just to get to go fishing

in the summer. (laughs) You know what I mean?

Seney: Right. But, clearly, what you're suggesting, is that the county commissioners—and I suppose yourself too—your feeling is you ought to be doing everything you can to make sure that these water rights stay here (Selinder: Yes.) and are used for agriculture.

Agriculture's Importance to the Community

Selinder: Indeed. Because again, as part of this whole process, we contacted the university [of Nevada at Reno] School of Agriculture, and their economics people and they ran some numbers for us and indicated that, in terms of agriculture, the contribution to our local economy was on the order of about, I think it was \$51-\$52 million annually, in direct economic impact and indirect, about \$88 million in total, both direct and indirect. Pretty significant shock, it's about twenty-two percent of our total economy.

Seney: Well, I've seen that study (Selinder: Uh-huh.) and it puts agriculture (Selinder: It certainly does.) very much at the top above everything else in terms of being an export . . .

Selinder: That's right, it's an exporter, brings in *brand new* money into this community, and that, to me, is *extremely* important. So anyway, there are some byproducts, some intangibles, I think, that come off of it that are immeasurable and that is, How much is the property in our community—residential property primarily—impacted positively as a result of having, as a neighbor, agriculture? We know for a fact, that in the unincorporated area of the county—and we should probably clarify that by saying, when I mean the unincorporated area of the county, I mean that they're probably in an area that's encompassed by a radius of about fifteen miles out, and that's where probably ninety-five percent of our total population resides in this county, you know. We have 4,900 square miles and I did some rough calculations here awhile back, based on some numbers provided by the Bureau of Land Management, I think it was. You know, you begin looking at it and there's eighty-seven percent of the land in our county is governmental owned, eighty-five-and-a-half percent is federal. Well, that doesn't leave a lot of privately-held land, about 400,000 acres. But, you know what, 200,000 acres of that privately-held land is a railroad land! I mean we're talking only 200,000 acres of *truly* privately-held, valued land that has some tax

base to it.

You begin thinking in those terms and you see what the federal government is beginning to tinker with here is, in my opinion, the very lifeblood of this community and what is holding it together. And that, in my opinion, is agriculture. It contributes so much more than just pure butter, cheese, eggs and meat. You know, I mean this goes *way* beyond that and contributes to the environment in our community, and that in turn contributes to the value of the private property that is held here.

Seney: When you say "environment," are you meaning to suggest things like culture and lifestyle?

Small-Community Culture

Selinder: That too! I mean, let's face it, those are certainly part of the structure of our community, the cultural lifestyle. It's kind of founded on western tradition, agricultural stability and shall we say, the social values, the things that come with that type of lifestyle, if you will. A certain perception of morality and . . .

- Seney: Business on a handshake . . .
- Selinder: Exactly.
- Seney: You don't have to lock your doors.
- Selinder: You know, they still do that, exactly. In fact, I can tell you a little side-story, which just really sold me on this little community. My wife and I had lived here *maybe* three months, it was during the summertime. We decided that I needed a new sport coat. There was only one place in town here that had any kind of clothing at that time, and it was a little sporting goods and men's shop downtown here. It was run by an old guy by the name of Slick Miller [phonetic spelling]. Slick was just a fine old gentleman, he passed away here probably about five, six years ago now.

So my wife said, "Well, I'm going to just go down and snoop and if there's anything, I'll give you a call and come on down." So she went over there. She was back within an hour and she had a whole armload of coats and she said, "Here, try these on." I said, "No, you didn't go *buy* all these, did you?!" She said, "No, no, I just went in and said what I wanted and the next thing I know is he gave me this armload of coats and said, 'bring them home

and have him try them on." I mean, he never *met* me. I mean, it was just the most amazing thing I've ever seen.

That's the way they *used* to do business and, to a certain extent, *still* do business in this community. That, I think, is probably one of the most important elements that we need to try and preserve in the long run, is this feeling of responsibility, a moral correctness to do the right thing, to be neighborly, to watch out for your neighbors. To, shall we say, provide a stable community, one that everyone can be fairly comfortable in, and I don't know what else to explain or how else to explain it. There's that feeling that comes from being in many of these small communities.

Seney: Is this on your mind and maybe even in your discussion, probably in, say, "code words," in a sense, when you're talking with the county commissioners, when you say, talk about questions of growth, "Well, we don't want to grow too big." (Selinder: Uh-huh.) "We don't want to change too much." Does this come up? Is this what you're thinking when you're . . .

Community Growth Question

- Selinder: First of all, I think we need to probably set . . .
- Seney: When I say, "code words" I don't mean "bad," because that has a kind of a negative [connotation].
- Selinder: Yeah, yeah. No, no, it could have. But, I think when we say, "controlled growth" . . . Now, I want to make it very clear that, *never* in all of the years I've been in this business, have I seen any overt action on the part of *any* county commissioner to discourage economic expansion of the community.

You know, it's funny, these rumors begin floating around and so on, there *are* those rumors that, "Did you know that the county commissioners," for instance, "denied K-Mart from coming in here?" Or something like that. And, of course, nothing could be further from the truth. You know how these things get started, I guess, in a small community. The impression is, that our commissioners are anti-growth, but what they really are is, they're for a controlled growth so it doesn't get out of hand to the point where we cannot afford to maintain an infrastructure around that growth.

So, not only do they attempt to, in some

way, direct what's happening in the community, but, more importantly, I think to sort of set the overall tone to try and make determinations that, in their own mind, are not going to kill our budget. (chuckles) And so they're inclined to go for things like industrial growth—which is limited, by the way, because of the lack of water, primarily on the outlying unincorporated areas—but also business growth from a retail point of view and so on. They like that sort of thing, and certainly are trying what they can to encourage that type of growth.

But, in all honesty, it's not happening here because of commission policy, whether it be overt or, you know, some coded-type thing. (chuckles) Rather, I think it's happening because of the lack of a decent water system in the unincorporated area of the county. That's always been a prime detriment, in my opinion, to any type of growth.

As an example and a comparison, we can use Fernley just down the road here up in Lyon County, that is also within the district boundaries, the Truckee-Carson or the

Newlands [Project]³ boundaries. Because of a decent water system and a sewage system, they have had a phenomenal industrial growth rate. You know, that would be ideal for this community would be to get some industry in here, because it enhances the tax base in *almost* the same positive way as agriculture. Because, what it does, is, it has a very high value, but a relatively low service demand. And, the same thing applies for agriculture. What we have to say is that agriculture, although it doesn't pay a lot of taxes, because of the inherent nature of the valuation of that, and because I guess tax structure, over the years, both nationally *and* locally, has been structured in such a way that we try to *encourage* agriculture because we realize that it has an inherent "good" to it, you know, whatever that is.

Seney: Is it under assessed?

3. Authorized by the Secretary of the Interior March 14, 1903, the Newlands Project was one of the first Reclamation projects. It provides irrigation water from the Truckee and Carson Rivers for about 57,000 acres of cropland in the Lahontan Valley near Fallon and bench lands near Fernley in western Nevada. In addition, water from about 6,000 acres of project land has been transferred to the Lahontan Valley Wetlands near Fallon. For more information, see Wm. Joe Simonds, "The Newlands Project," Denver: Bureau of Reclamation History Program, 1996, www.usbr.gov/projects/pdf.php?id=142.

- Selinder: No, no, I can't say it's under assessed. What I can say though, I think, is policy dictates that an assessment level be placed on it that will insure that agriculture is successful. I think, you know what, that goes clear back to a national policy—and I don't know who made it, or how it evolved—but somewhere along the line, some group—more likely Congress and the president maybe 100-plus years ago—made a decision that food was going to be cheap and plentiful in this country. And so to that end, they encouraged—and to a certain extent, I guess, one can call "subsidized," if you want to use that term—agricultural growth in our country. I think that still prevails in terms of tax policy.
- Seney: So it would be low, rather than under assessed?
- Selinder: Yeah. But, think of this: What in the world does a farm with maybe only one household on it, but maybe hundreds of acres, demand of the community? Not much.
- Seney: You're not sending the sheriff out there all the time.
- Selinder: No, I'm not sending the sheriff out there very

much. Plus, it brings in this new infusion of money for the community. I'll tell you what, I laughingly say that farmers are a lot like drunken sailors: they spend when they've got it and when they don't, they don't spend it, obviously. But, they do return almost all of it to the community, because they do a *lot* of local business: I mean the farm implement dealer, the fuel supplier, the grain and hay outfits and the animal brokers, you know, the ones that have the auction yards and people like that. *They're* the ones that see the fruits of the agriculturists' labors, and probably as it should be.

County's Relationship with TCID

Seney: Let me take you to T-C-I-D specifically for a minute, because when I spoke to you on the phone and asked you if you'd talk to me, I told you we want to get an appreciation for when the county and T-C-I-D kind of rub up against one another, where you work together, say on a road construction. (Selinder: Sure.) How often, by the way, do you talk to them out there? How often do you talk to Lyman McConnell, the project manager?⁴

4. Lyman McConnell participated in Reclamation's Newlands Series oral history project. See, Lyman McConnell, *Oral History* (continued...)

Selinder: I just talked to him recently—this morning, as a matter of fact, on another issue. Lately—I have to admit—I have haven't spoken to him very much, just because he's been going one direction, I've been going another and we kind of cross and maybe leave a message and we can't get a hold of each other. So, his answering machine talks to my answering machine.

Seney: But you're in contact with him constantly?

Selinder: Oh, yes, yes, absolutely.

Seney: Give me a sense of what you're talking about and what you're doing here.

Selinder: Well, you know, let's look at just one small facet. The Churchill County Road Department is not a large organization, there are only about fourteen, fifteen employees, in total, including two office staff people. Yet, we manage to do some pretty amazing things, and part of that is through a sharing of resources. Not only the Truckee-Carson

4. (...continued)

Interviews. Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, 2018, www.usbr.gov/history/oralhist.html.

Irrigation District, but also the city of Fallon and even some of the local private businesses in the community.

What we try to do is make available to each other—at least the local governments—equipment that the other one doesn't have. For instance, as an example, I think the district has a very large crane that has a pretty hefty lifting capacity. We don't have anything like that. On the other hand, we have a "D"-8 or "D"-9 Cat [Caterpillar]. They don't have anything that big. So, we trade back and forth and Mike Huntsman [phonetic spelling] over there, who's their shop foreman, and Mike Martin, [phonetic spelling] our road superintendent, have a very close personal working relationship.

Seney: Is this in writing?

Selinder: Nothing in writing.

Seney: Oh, there isn't anything, okay.

Selinder: No, there's really nothing in writing. This is all kind of done on the old handshake routine again.

Seney: But, when you say [to your board], "Gee, we

need a new 'D'-8 Cat, and you know that they're going to use this out at T-C-I-D and, by the way, they've got a crane and we're using that so, this is kind of the way . . ."

County's Relationship with Reclamation

Selinder: Yeah, it goes without saying, really. It doesn't take a new commissioner long to find out that one hand washes the other, and that there is this sharing of resources, to the extent that we can make it available. Certainly, we recognize their activities benefit *us* and our activities benefit them. Where that really crosses, and is probably the most visible, is in the area of roads. Let's face it, the bulk of the roads in this valley (chuckles) occupy Bureau of Reclamation easements,

Seney: That's become an issue recently?

Selinder: Yeah, it's rekindled again because of some actions of some private individuals.

Seney: I understand that some gentleman is blocking one of the roads out here.

Selinder: See, ironically, the Bureau of Reclamation has gone along with our use of their dedicated

easements. And right now there's this big question of, well, just to what extent does BoR [Bureau of Reclamation] have the right to grant you guys—meaning us, the local government—the right to use anything of their easements. And that's a question that will probably be tested in the courts. But, the irony of this is . . .

Seney: Because of this issue out here where this gentlemen is . . . Mr. [First name?] Christie [phonetic spelling], I understand.

Selinder: Yes, that's right. We thought we put this thing to bed, in 1991, I think it was, through some very, very diligent efforts on the part of Commissioner Reagan. [He] put together an agreement with the Bureau of Reclamation and the Truckee-Carson Irrigation District, with respect to the county occupying, for public road purposes, essentially ditch banks, canals and lateral easements that have been set aside ninety years ago for use to deliver water.

Seney: Now, this you don't do on a handshake.
(Selinder: No.) This is a legal document in writing.

Selinder: This had to be a formal document, yeah.

- Seney: When you deal with the bureau.
- Selinder: Oh yeah. Of course, everything is complicated at that level!
- Seney: You sort of rolled your eyes there when you said "everything." How is it to deal with the bureau?
- Selinder: Bureaucratic, obviously. They have their levels of decision-making. I think a lot of it has to do with just the internal bureaucratic structure—and I'm not criticizing any individuals . . .
- Seney: No, that's okay, don't worry about that.
- Selinder: But understand, that the individuals you deal with are *very, very* fine to work with—they really are. I mean, I think we have a pretty good working relationship, although I don't have an occasion to talk with those people as much as perhaps the Truckee-Carson Irrigation District people do. But when it comes down to decision-making, it's *impossible* to get a decision from somebody at, shall we say, the Carson City level. You know, let alone, the Sacramento level, which is the region. They all end up either going

back to Denver or to Washington, D.C. I think that whole cumbersome process is part of what some of, at least our *perceived* problems, are in this community.

Seney: You guys make decisions pretty quickly, do you think?

Selinder: Oh, yeah, I think we do. Yeah, it may seem to the average person on the street that it takes a while, maybe a month or two to make a decision. But, you know, in the grand scheme of things, when it takes the Bureau of Reclamation literally *years*, if they *ever* make a decision on something—that to me is pretty short turnaround, you know.

Local Governments

I'll have to say, that local government is certainly far more responsive, in every way. And I think that's just this whole bureaucratic entanglement and structure that comes about as a result of "big." I don't know how it can be avoided, but you see it at every level: Federal government; a little bit less at state, but certainly it's still there; and certainly, a lot less at the local governmental level. And let's face it, I truly believe that county government is probably the last level of government that is

accessible by the general public. And that's kind of neat, in my opinion, I think that's a great place to interface government, it really is.

But, you know what, the funny thing about that is, few people understand the relationship of county government, in the grand scheme of things and the way it works, so they're more inclined to look at city governments and government that is even further down the ladder, shall we say. What they don't realize is that county governments have the responsibility for damn near everything. Whereas, as you go to a lower unit of government, it becomes more and more specialized.

So, for instance—just comparing our city to the county government—they don't have any responsibility for things like welfare, they don't even have to run a jail. They don't have a justice of the peace. They do have a city judge, however, and of course their workings. The extent of roads, streets, highways, things like that, that have to be maintained, they have a very close-knit organization. We have *hundreds* of miles to take care of.

Then we have to also meet some of the requirements that are constantly being heaped on us by federal government, that trickles through the state and comes down to the local level. A lot of the fiscal responsibilities are at the county level, not the lower units. For instance, heck, the ex officio tax receiver is the County Clerk. So that person is responsible for receiving all of the tax collections from the local community, and apportioning it out between the *biggest* user, which is the . . .

END SIDE B, TAPE 1. AUGUST 26, 1994.

BEGIN SIDE A, TAPE 2. AUGUST 26, 1994.

Seney: This is August 2[6]4, 1994. My name is Donald Seney, and I'm with Bjorn P. Selinder, the County Manager of Churchill County, in his office in Fallon, Nevada. Instead of talking about the school, I understand the county tax collectors, parceling all of this out—any of that go to T-C-I-D?

County Support of TCID

Selinder: We are also the receiver of the collections that T-C-I-D levies to its water right holders, yes, sir.

- Seney: Do you hold onto the money for them?
- Selinder: No, as we receive it, it's apportioned. State statute dictates the time in which we have to turn that . . .
- Seney: So you send it on out to them and they handle it?
- Selinder: It's sent on to them and they have their own responsibility for maintaining their fiscal affairs. The extent that we're involved with it, is to make sure that the collections are timely and that all of the levies are properly applied and so forth, and the apportionments of those receipts are properly made.
- Seney: Let me go back to the details on the roads (Selinder: Yes.) because, believe me, you can't give me too many details here.
- Selinder: That's an ugly situation. (laughter)
- Seney: Well, tell me why. Tell me about the relationship between you guys and T-C-I-D and the easements and all that.
- Selinder: Yeah, and as far as T-C-I-D is concerned, there is really no great amount of friction.

Seney: You get along well?

Selinder: Once in a while we'll run into a problem that requires maybe that the county and the district get together to resolve some issues. And there may be some interchanges but, you know, they're never anything more than, I think, constructive.

Seney: Can you give me some examples of when that would happen?

Selinder: Oh, I know that every now and then we'll come across an access road, for instance maybe, that is going to be used for some development and there seems to be a misunderstanding of just exactly what perhaps that road is for, who put it in, what needs to be done—and there may be some differences of opinion relative to, for instance, bridge improvements and who's responsible and so forth.

We have one big one right now, which is an ongoing issue, but I think we have some differences of opinion over it and I'm not sure we'll *ever* be able to resolve them. There's essentially a drop, if you will, which is a large structure, essentially, like a weir, on, I think it's the "A" line canal, "S" line?—anyway, it

doesn't really matter. It's one of the larger delivery canals coming into the area here. And there is a place called the Twenty-six Foot Drop.

Seney: Right, I've seen that.

Selinder: Okay. Anyhow, that particular area, because of the way in which the canal and the river depart upstream from that location, there's kind of an area that's created as a result that is privately held, but there is no real public access to that area. There *is* a bridge, which is for maintenance purposes, at the Twenty-six Foot Drop.

Seney: There's a house right on the other side of that.

Selinder: Yeah, there sure is.

Seney: Is that the problem?

Selinder: That's certainly part of the problem. So—I don't know how exactly it evolved that there was some residential growth taking place in that isolated area—but the assumption was, not necessarily by the county because we really didn't pay much attention to it. You know, this is all an evolutionary process, that really

probably was not given a serious amount of thought say, thirty years ago, maybe a little more twenty years ago, and now it's become quite an issue, and that is, the matter of access to that isolated property out there. That was on using the Twenty-six Foot Drop Bridge, which was never meant for any public access, it was really a maintenance bridge that I understand probably was put in by the Sierra Pacific Power Company to provide access to the other side for maintenance purposes to the generating plant that's located at the Twenty-six Foot Drop.

Well, you can imagine what a mess we have inasmuch as that the county commissioners, over the years, have gradually been clamping down more and more and more on development requirements, including a provision that you have to have both physical and legal access and they have to be concurrent, essentially and, in this case, there is no such thing. They have physical access but they sure as heck don't have legal access. Not only that, the access that they have, is really for maintenance purposes, is a non-maintained structure, is not really the responsibility of the county's and certainly T-C-I-D doesn't want to get into that maintenance responsibility. Yet, the

structure's beginning to deteriorate, the people on the other side are getting concerned because of public safety purposes and so on. Although I have a feeling—from my perspective—it's being driven by, "when can we divide and start selling the land?" You know how that goes. So that's really a development issue.

So anyway, the county and T-C-I-D have always kind of been circling each other warily on this issue and really nobody wants to make a commitment and I certainly don't want it to be the county. I don't think really that T-C-I-D should either, I mean I kind of agree with them too, that this is an issue that really is a development issue and frankly, if somebody wants to develop on that side, by God, *they* should be the ones to put the bridge in. But, we ran some numbers on it and the doggone bridge is \$200,000 dollars.

Seney: And you don't want to build it?

Selinder: And we don't want to build it. I mean, it's spending public money to benefit a very few people, and probably there's not going to be any return on it. So, anyway, we sure as heck don't want to get into that one. But, that's an

area where we kind of, it's not exactly a clash of ideas, but it's more one of these, where you sort of come and glance against each other and neither party, by either duty or right, should get involved with this mess. Yet, let's look at it another way, you know, we do have some private citizens living over there.

Seney: So you kind of feel obliged to them?

Selinder: Well, in a way, but yet our District Attorney's office . . .

Seney: More than T-C-I-D would.

Selinder: Perhaps, because there is no water right on that side, and so I don't think they have any function over there, particularly, other than just access to the power plant. And, of course, the power plant's leased to the Sierra Pacific people, so indirectly, they don't have any *real* responsibility.

Seney: And that complicates things.

Selinder: Potentially though, according to our attorneys, you know, there is always this issue of liability. What if somebody falls through the bridge or drives off of it and drowns? I mean, my God, I don't know, I mean all we can do is

test it in court and see who is liable, that's for sure. But, I know that the T-C-I-D is very concerned about those kind of matters because, in the past—if you want to carry this to a little further extreme—for instance, they've been sued over people striking obstructions at Lake Lahontan, for heaven's sakes, while they're water skiing, you know. So they're certainly gun shy, as they ought to be. The county certainly is gun shy because we feel that we have an opportunity here to limit our liability. We shouldn't knowingly be diving in head-first into a situation that we can, at least, temporarily, put off and put the burden on the developer, where it belongs. It will come eventually, but not right now. So anyway, that's an area where we have, certainly, disagreement.

Seney: But, I would think that even though you have disagreement, you have a good relationship with them (Selinder: Oh, yeah.) friendship and (Selinder: No, we're not looking to . . .) You work together well and . . .

County's Good Relationship with TCID

Selinder: Oh, yeah, yeah, I think we do.

Seney: A lot of good will there?

Selinder: I think there's a lot of good will there. Let's face it, the board of directors are all agricultural people in the community, they all have a stake in the well-being of this community, an economic interest, and certainly contribute to the community's well-being, and I think they recognize that. And, over the years, it's funny, I've watched their attitudes change too from . . .

Seney: "Their," meaning?

Selinder: The Board of Directors of T-C-I-D from a very narrowly-structured organization to *a much* more broadly, more in-tune organization. Unfortunately, you know, I think they're dealing with a lot of baggage that came about as a result of what may have happened twenty-plus years ago. But, I honestly have to say that I think that their members now, on the Board of Directors of the Truckee-Carson Irrigation District, and their membership is a far more enlightened bunch than what we had there twenty years ago when I first came here.

Seney: When you say, "dealing with baggage," I take it you mean trying to resolve these water

questions?

Selinder: Yeah. And the negative image that has been portrayed regarding their willingness to deal on issues. To a certain extent, I suppose that may have been true in the past. But, I can tell you right now, from what I know, that has changed even to the point of some of their people individually expressing a willingness to give up a certain amount of their authority in exchange for being left alone—or at least, shall we say, being allowed to continue as farmers utilizing the water resources that are made available to the valley.

So, that's a far cry from the folks back in the old days that, you know, "by God, it's my water, I'll stand there at the gate with my shotgun and that's just all there is to it." That's not the way it is anymore, I don't see much of that. I don't hear much of that anymore. And I certainly think that they have a different attitude about the way in which they react, relate, and so forth.

Seney: I know you need to go at eleven, shall we say?

Selinder: Well, that's only two minutes! (laughter)

Seney: Well, you stop me when you need to go.

Selinder: Yeah, probably ten after or so.

Road Maintenance with TCID

Seney: Okay, that would be fine. The senior historian has instructed me to get all these details (Selinder: Sure.) on road business and you can't give me too many, really. And I'm interested again, too, where you rub up against one another (Selinder: Uh-huh.) and again, I don't mean that in a negative way. (Selinder: Sure.) So, can you give me any more details or examples? (Selinder: Well . . .) How about sharing costs on road repairs?

Selinder: Yes, we've done that too. In areas where there is a need for the county to come in and make certain adjustments to roads—and one of the biggest ones recently was down on Allen Road, down south of town. That was a cost-sharing effort, to a certain extent, not so much for the T-C-I-D as it was with the Soil Conservation Service people but the district got involved as well.

Seney: What were you doing down there and why?

Selinder: Oh, my goodness. Allen Road was one of

those roads that evolved, I supposed, through convention, whatever it was.

Seney: Off a wagon track?

Selinder: Yeah, a wagon track. And it followed then, later on, alignments that were pretty much dictated by your agricultural pursuits, mainly ditches and canals. The problem was that Allen Road was never properly engineered to begin with, and there were certain areas of Allen Road that were actually *lower* than the surrounding fields and, more importantly, the irrigation ditches. So there were times, during the year, that that area would fill up with water.

Seney: During irrigation season.

Selinder: During irrigation season, and also during heavy storms or whatever because it simply didn't drain off. It created some really hazardous conditions. Our board of county commissioners, over the years, have been very concerned about school busing and the ability of school buses to safely access most every area where there are county-maintained roads. Since that was a county-maintained road, an effort was undertaken to improve that road,

raise it up, and provide for adequate drainage.

Working with the Soil Conservation Service on Road Maintenance

Well, the trouble was, we had on one side, irrigation ditches and on the other side, tremendously deep drains. So, I mean, by the time we were done with this thing, this project turned out to be 300-plus thousand dollars—which is a *huge* expense for this little community—to make those improvements. I think, in the long run, we ought to drive down and you'll see what I mean, it's just south of Scheckler Road and down that direction. You'll see that it was a tremendous improvement. But, it was a joint effort through, like I said, probably more the Soil Conservation Service that provided the engineering. The district [TCID] was instrumental in helping to arrange for rights-of-way, provided for certain under-crossings under roads and things, where they had some responsibility, liabilities.

Seney: Run their canals and laterals.

Selinder: Exactly. Alignments, this kind of thing. But, there are other areas, for instance, where there have been joint efforts on things like where a

bridge crosses a take-out and the take-out is very close to the bridge. They'll go in and share—there, a situation where for instance, maybe the district would build headwalls at the take-out and put in the control mechanism, the gate and so forth. The county will come in and put on the deck and perhaps provide for the grading of the road surfaces and even a paving across and things like this. So, I mean, it is truly a joint effort.

Seney: When you mention that problem, if you don't move that around, is that likely to undermine the bridge (Selinder: Yeah.) the water flows run?

Selinder: Yeah, very much so. Obviously anything we do is an attempt at an improvement in both water management and traffic control.

Seney: Sure, of course.

Selinder: Anything we can do in that regard is, I think, welcome both by, you know, the county and the district, in that it would *lessen* each of our liabilities. After all, if the bridge deck is too narrow, it's a dangerous situation for the driver and obviously their first place to look would be a deep pocket if they were in an

accident involving that structure. So it's in our best interest, both governmental entities, to try and come up with a way to resolve these issues.

Seney: At what level would this sort of come up? Would this be your Road Superintendent or whoever it is?

Selinder: Mostly it's handled through the Road Superintendent.

Seney: And the ditch rider is saying, "Gees, we've got a problem out here"?

Selinder: No, it would be the Road Superintendent and probably the Shop Superintendent or what they call, foreman over there. They would usually get together and discuss these matters and so on.

Seney: Then bring it up to you?

Selinder: Yeah, and then the Board of Commissioners get involved and I am sure that the Board of Directors at the district get involved through their various committees, sub-committees and so on.

Seney: But, you certainly expect your road

superintendent to know what's going on with the bridges and whether they're wide enough.

Selinder: Certainly, which he does, and he does a pretty darn good job of it too, considering the small crew that he has. We get quite a bang for our buck in that regard. Probably, because of some of this interaction, *both* governmental entities get more, really, than the sum total of what their input is—you know what I'm saying. There's so many intangibles that come from this arrangement and this tacit agreement, whatever you want to call it, that derive from that, that it's immeasurable, it really is.

Seney: Do you take your equipment out sometimes and they work on it out at T-C-I-D?

Selinder: Oh, no, no.

Seney: You don't believe so?

Selinder: That, we don't do, we don't share shop facilities and so on, no, no. It's just mostly if there's a piece of equipment the other one needs, and so forth, that would be perhaps made available, but it's on *their* schedule basis, not ours. It's not on demand, it's on a calling up, finding out, "Are you going to be

using this on such-and-such a date? Oh, you are. Well, can we find a date that might work? And then can we use it for maybe a couple of hours?" That's the way it works. But no, we're all responsible for our own maintenance of our own equipment and so forth, that has nothing to do with it. It's just the fact that, if you have a piece of heavy equipment that I can use—meaning the county—fine, and vice versa, if you can use what I have, fine. That's the way we try and do business.

Seney: Yeah. You would obviously encourage that?

Selinder: Absolutely. To my way of looking at it, it's the taxpayer in the community who benefits from that, and they benefit through this, shall we say, the returns being greater than the sum of the [parts].

Seney: Well, you know, in some places you might find what I supposed could be characterized as an excessive preoccupation of liability. (Selinder: Yeah.) That is, wondering, "Gee, if the T-C-I-D crane is over here working on our project (Selinder: Uh-huh.) and something happens. Or, if our Cat's over there working . . ." (Selinder: Yeah.) And I take it you have the kind of relationship and outlook

that you're not preoccupied excessively like that.

Selinder: No, we're not preoccupied with the liability angle. And let's knock on wood and hope that we never have to be. You know, unfortunately, as the world goes on, time goes on, we become more and more occupied with that. You know what that's all about, too damn many attorneys in this world! (laughter)

Seney: Even in small towns.

Selinder: Exactly, even in small towns. I have to tell you, we have more attorneys than we have physicians, and I think that's criminal.

Seney: Is that right, here in Fallon?

Selinder: I think so. Not good. And that certainly tells you something about the times, doesn't it?

Seney: Yeah.

Selinder: So anyway. But, all-in-all, the road issue, you know, up until we really started running into some problems relative to whether we even had a right to occupy some of these [right of ways].

Seney: How did that come up?

Selinder: You know, I can't remember all the details but I think, at some point, the BoR brought it up to the T-C-I-D and kind of left it in their lap to try and resolve.

Seney: Do you know why brought it up?

Selinder: I don't know really. I mean, I imagine it probably it was somebody (chuckles), you know, whatever level, who just happened to say, "Hey, look at all of these publicly-maintained roads on our easements. Should they be there? What right?" Et cetera, et cetera. And I have no idea beyond that how it all came up.

Seney: What would you do if all of a sudden BoR said, "No more roads on our easements." I would think that would be an impossible situation.

Selinder: Absolutely impossible. If you look at our road layout, I would say that probably well over fifty percent of our roads occupy their easements, and that if, for some strange reason, they were to turn around by court action or their own action and say, "No more of that." Aw, they'd bring the whole

community to a grinding halt. I'm not so sure that would be in their best interest either.

Seney: Right, right. So, obviously, some accommodation is going to have to be achieved here.

Selinder: Yeah, I think some accommodation. And the big thing is, I think, that's satisfied both parties—at least from *my* perspective—is that we all agreed that we'd be responsible for our own liability to the extent that it was incurred. You know, so we limited each other's liability on that subject.

Seney: That you must have put in writing.

Selinder: That was in writing and it was part of the agreement. Essentially, we agreed to hold each other harmless from the actions of the other party.

Seney: So if they do bring their crane over and something happens.

Selinder: Well, yeah, but more importantly, I think it's from the standpoint of traffic involvement. I don't think we go so far, because we do not, to my knowledge, have any kind of an inter-local

agreement relative to the sharing of equipment. But, no, mostly in regard to the private citizen making a claim as a result of the use of the road down an easement. You know what I'm saying? The county's maintaining the road but the easement is BoR's and really, I'm not sure we have a right to be here, but we have an agreement that says we do. Therefore, who's liable? Well, at that point I think it becomes one of analysis. Well, let's see, the county had failed to maintain the road and it had some dips, bumps and ruts in it and so the investigating party, the Sheriff or whomever comes back and says, you know, the road condition contributed to the accident, et cetera, et cetera. Then who's responsible? Well, if the county's maintaining the road, maybe the county.

Now, let's say if it's a structure that's at fault: Well, who put the structure in? Well, okay, the T-C-I-D put that pipe under the road, many, many years, the county simply paved over the top of it and kept on going. When the pipe failed, the whole road collapsed and the poor guy that happened to be running over it at the time in the dark, he hurt himself, bad. We had one of those a while back.

Seney: Oh, did you?

Selinder: That was probably five years ago now. Interestingly enough, it was the district's liability, not the county's, even though it was on a county road. So those are the kind of things we become more concerned with and involved with than we do the simple sharing of equipment and the issues relative to that liability. I think, from our standpoint—and I'm only venturing, I guess—you never know what an attorney's going to do—but should we, God forbid, incur an accident or have a problem with respect to use of that equipment, I suspect that there would be some relative liability involved.

Seney: Certain percentage assignment of liability?

Selinder: Yeah, I mean I'm only speculating, but perhaps that would be the case. But, then again, it cuts both ways. Our exposure, with respect to *our* equipment is the same as *their* exposure with respect to use of *their* equipment. You know, it's sort of one of these things where it's going to be the luck of the draw or roll of the dice. Maybe someday there will be an accident and I know each individual department *has* had their share of

accidents. I don't mean that it's out of hand or out of control. But, I mean every now and then, when you're dealing with heavy equipment, you're going to have an accident. In all honesty, I think on both sides it has resulted in the death of an employee. Absolutely, I can say that. But, it's many years ago since anything like that happened here.

Seney: You're knocking on wood. (laughter)

Selinder: You know, but the law of averages catches up anyone these days.

Seney: Sure, of course it does.

Selinder: Absolutely.

Seney: Are you going to get involved in this question that Mr. Christie has raised about this road out here?

Selinder: Directly, no.

Seney: Are you going to be involved in the legal case, do you think?

County Litigation

Selinder: Well, you mean the county? Oh, yeah, we've been served already. In fact, this is it right here.

Seney: Good heavens!

Selinder: Now, this is not Mr. Christie, interestingly enough. As it turns out, from what I can tell—and I'm no attorney—you'll notice the name on it is Walter Knox [phonetic spelling], his neighbor. I do not see Mr. Christie's name appearing anywhere on that document.

Seney: And this is a federal court suit?

Selinder: It's a federal court suit.

Seney: Why is this a federal court suit?

Selinder: I imagine because it involved the Bureau of Reclamation.

Seney: Oh, yes. The United States here is [a party].

Selinder: Yeah. So, that would be the appropriate court. I suppose—again, I'm not an attorney and I've been warned that I'm not supposed to practice law without a license! (laughter)

- Seney: It is tempting though, isn't it?
- Selinder: Isn't though, isn't it?
- Seney: Oh, I see there, Mr. Knox, individually (Selinder: Yes.) is represented and as a class of landowners.
- Selinder: Yeah, exactly. And probably that's how he's going to try and get Mr. Christie involved with it, since he's his neighbor. But, the road in question, I believe, is not on Mr. Christie's property at all, it's on Mr. Knox's property. Isn't that interesting?
- Seney: So in other words, this question of who owns these . . .
- Selinder: Isn't that a wonderful document?
- Seney: Many pages, many pages.
- Selinder: Uh-huh, uh-huh. Yeah, it may be tested and it may not. I don't know how we're going to deal with this from the county's perspective, but we are named, if you notice.
- Seney: Yes, I do notice it, yeah, right.
- Selinder: It remains to be seen. I have no idea where it

takes us.

Seney: What's this going to cost you then?

Selinder: I have no idea.

Seney: You have no idea?

Selinder: At this point in time, we do not know.

Seney: Do you have your own county counsel or do you have a private attorney?

Selinder: Oh, yes. The Churchill County District Attorney is our legal representative, that's correct. Then we also, of course, will inform our liability insurance people and *they* may provide counsel, as well, to the extent that there may be some judgement, and I'm not sure there will be. I haven't been through that entire document, so I can't tell you what he's attempting to achieve. I can *guess* what it might be, and that is, "if you're going to *allegedly* use my property, you're going to pay for it." (chuckles) So we'll see where it takes us. Isn't that great?

Seney: There seems to be an awful lot of lawsuits around here?

Selinder: No.

TCID Focus of Litigation

Seney: T-C-I-D and I guess I'm thinking more . . .

Selinder: No, I don't think so. I think, on a general scale from one to ten, with ten being the highest, I would say that we're probably in the four and five range for lawsuits filed in this community. We're not a litigious community, that I've been able to tell, really not. In fact, most of the lawsuits, I'll have to tell you right now, come from *outside* the community. And unfortunately, the T-C-I-D is the brunt of a great deal of lawsuits, so they're forced to defend themselves not file them. And in fact, I think the last number of years, I'm not aware of too many lawsuits ever having been filed by the district, it's mostly the outside elements: Pyramid Lake Tribe versus Truckee-Carson Irrigation District, the Department of the Interior, you know, those kind of things. Bureau of Reclamation, God knows which, what and whatever. And it all falls on the district because that is the resource that is in short supply and people are trying to get their hands on, for whatever reason. Obviously they have better uses for it than the district does, I guess, I don't know. (laughs)

You know what I mean?

Origins of the Newlands Project

In other words, it's a sad situation and one that I think is truly being improperly considered at this point. I mean, we have to go back and look at how this community came about. I think, from my perspective, and what I've read in the history books and things like this, all the collection of papers and whatnot, you begin looking back and ninety years ago, when this area really started growing, if you want to call it that, that was at the specific enticement of the federal government based upon the Reclamation Act of 1902. Looking at the posters and things like this that were put out in those days by the Bureau of Reclamation, in conjunction with, of all things, I guess the local version of the Chamber of Commerce at that time what it said was essentially you got your land for free, if you bought your water rights. *And* that the water was permanent and *assured* through the great Lahontan Dam and Reservoir. And I'm going, "Oh, brother!" you know. But anyway, that's the way it was presented, and now three and four generations later—and remember now, this was a federal policy we're talking about

here, Congress adopted it, appropriations were made, the national will was turned to the Manifest Destiny and all of this other stuff that you see, you know, I mean you read about it. Let's face it, probably the biggest expansionist of the bunch, Teddy Roosevelt, signed the legislation, for God's sakes!

Okay, so the direction was pretty clearly set and it was a *national* policy, no matter how you look at it, it's a national policy. Alright, now, ninety years later, national policy is changed. Okay, who's going to pay for it? The poor schlep right here in this community. It doesn't seem to go beyond that and nobody seems to be willing to recognize that this community came into being as a result of a national policy and a national will and national resources. Yet, when they're trying to dismantle it, boy, the national will and the national resources are *nowhere* to be found. It's expected that the entire brunt of this national policy is going to be born by local residents in this community, in Fernley, and probably, to a lesser extent, the state. But by God, they're going to end up paying for it, I guarantee you that. Is that fair? I don't know, I don't think so.

And you know, the odd thing about that

is, that in order to achieve that new national policy, the poor rancher and farmers were painted as being a bad guy, and I really disagreed vehemently with that attitude. I think that's a bit of media hype in order to achieve another end, which certainly isn't good for this community and may not necessarily be good for other communities as well. So anyway, that's my bit of soap-boxing on this whole thing.

But, I find it absolutely odd that the nation would turn their back on a community that they helped to foster and allowed to grow. That, to me, is wrong, whether it's this community or whether in the alternative it's the Pyramid Lake Tribe, for instance. I mean they suffered, and I don't doubt it for a minute, that because of national policy, they suffered. But you know something, they've received how many million dollars now, because of the problems that were created by the federal government and the national policy. Well, why isn't *this* area being treated in the same way? That's an odd situation. Anyway, I just find that kind of a disturbing national trend.

So, I got to go.

Seney: Let's end it there and I really appreciate your time.

Selinder: Okay.

END SIDE 1, TAPE 2. AUGUST 26, 1994.

BEGIN SIDE 1, TAPE 1. SEPTEMBER 30, 1994.

Seney: Today is September 30, 1994. My name is Donald Seney, and I'm with Mr. Bjorn P. Selinder, the County Manager of Churchill County in his office in Fallon, Nevada. Good morning, Mr. Selinder.

Selinder: Good morning, Don.

Seney: There was one thing we didn't quite finish last time, and that was your education. Why don't you go ahead and finish that up for me.

Educational Background

Selinder: Yeah, I think we got as far as I received a two-year degree when I was in California, many, many years ago, back in 1966, I believe it was. And then because of moving around and so forth, we lived in Minneapolis for a while. That was the same year I got married, by the way. We moved to Minneapolis, I attended the University of Minnesota for a while.

Pressure of the job, and you know how all those things go, you begin putting things off. Finally in 1983 I did finish up my four-year bachelor's degree and got a B.S. in management from a small school right here. Actually, it's the only private college in the state of Nevada. It's the Sierra Nevada College, and they're very big on, of all things, resource management issues, which I found rather interesting.

Seney: Where are they located?

Selinder: They're located in Incline Village, of all things. They are fully accredited, they're like any other big school, really, and have been operating here for probably—well, I think at that time they'd been there about ten years, maybe something like that. But as I say, their main thrust is towards resource management, and turnout of a relatively good number of individuals who then go on into resource management. And their list of people is fairly impressive in that regard.

Now, I didn't go into the resource management, unless you want to call personnel management a resource—perhaps that is an appropriate term.

Seney: I suppose to some extent it may help in dealing with the questions of the Newlands Project.

Selinder: Absolutely. Absolutely, it's served me in good stead. I am glad I went back and did that anyway. So that was in 1983. So now we can maybe move forward, just so we close that whole thing up. Of course obviously there are *numerous*—way too numerous to mention—various short courses and things like this that one takes from that point that all add to [your education].

Seney: Tell me a little about it. What do you feel that you have to take in order to do your job here as county administrator?

Prerequisites for Being a County Manager

Selinder: (laughs) A good healthy dose of psychology, a good healthy dose of general management procedures and processes and things like this certainly are necessary. The funny thing is, I could almost say one ought to be a priest to be in this. (laughs) You sort of act like father/confessor, and you hear an awful lot of troubles, both from your own employees, but also from people that come in that have perceived problems in dealing with the county

and so forth. And that's really what it is. I think you also have to have an ability to listen and be somewhat objective about what they're talking about, and somewhat dispassionate. In fact, I've had (chuckles) some interesting run-ins. When one becomes too closely involved, you fail to look at all the options and so on. And so over the years I've had to develop this attitude of being very noncommittal, at least at the first discussion.

Seney: This is kind of style that you have?

Selinder: Exactly. And hopefully that's not to the point of appearing like I'm not interested. That's certainly not the case.

Seney: Have you found that if you don't do this, the people will seize maybe on your gestures or your body language as disagreement?

Selinder: They can, uh-huh. They can. Although, I don't know, I guess we all, to some extent, pick up on body language. But having had some coursework and so on in that sort of thing, I'm kind of keenly attuned to it and watch for it fairly closely. But I think generally speaking, people don't tune into that until it's really overt, such as a folding of the

arms or something like that, or sitting as far away as you can, and that sort of thing. Those, I think, transcend any kind of (laughs) formal need for recognition, or the recognition process, I should say.

Seney: What do you do to relax?

Hobbies

Selinder: Me?!

Seney: Yeah, what kind of hobbies do you have, and interests?

Selinder: Well, I, up until recently, did a lot of sailing, mostly up at Lake Tahoe. But it got so costly to maintain the boat up there that we sold the boat a couple of years back now, and what I've done, we took the proceeds of the sale and we rolled it back into buying some welding equipment and tools and things like this, and I'm getting ready to built a thirty-three feet steel sailboat at this point in time. The problem is now my back. If that doesn't straighten up pretty quickly (laughs) I'm not going to be in any shape to do anything. But I think I'll feel better in a few weeks. Anyway, that's what I like to do: I like to build things. I like to design things. I guess that goes back

to my previous life, shall we say, when I was involved very heavily in design. As I may have indicated, I was involved in ordinance design and tooling design, things like this. [I] always had a great interest in metalworking, just generally working with my hands. I enjoy that very much. So when I am the most relaxed is when I am tinkering with something, whether it's simply adding-on to the house, repairing something, or whatever, that's a nice time for me, even though it means a lot of work. (laughs) So even painting the house can be nice. Like one of our commissioners says, "A change is as good as a rest," and he's right. A nice diversion from that, you bet.

Seney: Overall, do you find it a fairly stressful job?

Stressful Position

Selinder: Yes, it is stressful.

Seney: That may be why you recently injured your back.

Selinder: *Could* be. I understand that does go hand-in-glove. But I think from a stress standpoint, I could actually tie back to specific instances

when I've hurt myself. I think the first time for me most recently here was I went and played golf, and I hadn't played for a long time, and I have to admit we played hard and long, and it took a day or two after that, and all of a sudden, wham, it hit me. Well, that's when I got some treatment for it. After that, now it's been a month. I was feeling very good, and virtually nothing triggered it at this point in time. So it's hard to say, but yes, stress, I understand is a contributor to physical injury, and so certainly I can understand that.

Seney: Well, one of the causes of that stress, of course, is why I'm here to talk to you (Selinder: Yes, indeed.) and that's the changes in the Newlands Project that are being discussed and contemplated and perhaps even are inevitable, I suppose, to some extent.

Selinder: In a certain way, they really are.

Seney: Do you see it that way? Do you see that inevitably there's going to be some change there?

Changes for the Newlands Project

Selinder: Oh, absolutely. There *has* to be some change. Let's face it, we're a small community with no

constituency or no recognition.

Seney: So for political reasons?

Selinder: Political reasons, absolutely. I think if one were to look at this situation purely from an analytical perspective, I wonder whether these changes that are being contemplated would actually come into play. That's debatable. Sure, we can say that there is a need for maintaining the wetlands, there is a need for maintaining the *cui-ui*, but again, we're getting sort of off into an area here where we maybe need to differentiate between needs and wants, and they're two different things. From the outsider's perspective, they *want* all this water. But the question is, through better management, do they really *need* that water? And I think that's an issue that we're going to have to thread a fine line over and see if we can come to some sort of "agreement" if you will, through the negotiations.

Seney: Are you suggesting perhaps that *cui-ui* restoration would be possible with less water than they're asking for, (Selinder: Absolutely.) and better management of what they have?

Selinder: I'm firmly convinced of that. A couple of

years ago, when we had the massive, but unfortunate, die-offs of the *cui-ui* due to the suffocation below the spawning area there where they process the fish and so on. That, to my mind, was absolutely . . . I can't call it criminal, that's not what I'm trying to get at, but it certainly was tragic and unnecessary, and kind of points out the technology, and there's a need to improve that. The problem is, though, I guess from what I'm hearing, is that they're seeking a solution that doesn't involve technology. In a way, I have to say I sort of support it. But what they're looking at is a solution that would involve raising the lake a substantial amount. We are pretty convinced that's not necessary, I think.

Seney: With water that would otherwise come here, in other words.

Selinder: Uh-huh. Very true. And I think also, everyone seems to be so against any kind of technological fixes, even though they may end up being passive technological fixes, such as efficiency improvements, for instance lining the Truckee Canal. Yes, it's very costly, and I have heard that there are people on the upper end of the stream who may have even gone so far as to weigh the pros and cons of those technological fixes versus the cost of litigation

versus the cost of legislation, and I guess the conclusion was that the technological fixes are not as cost effective as the latter two, and so unfortunately we're stuck with litigation and legislation at this point in time.

Seney: When you say upstream users, are you referring to the Pyramid Lake Indians?

Selinder: Partially.

Seney: Sierra Pacific Power.

Sierra Pacific Power

Selinder: Yeah, Sierra Pacific and Westpac, the Utilities Division. I think they have a *tremendous* amount of resources at hand, and I think they're able to sit down and analyze these things, and I really think their main thrust has been towards legislation and litigation because that in their mind is the least impact upon the bottom line. Not a pretty thought, but that's probably where it's coming from.

Seney: Just a cold hard business decision.

Selinder: Well sure it is, sure it is. I don't think it's as motivated by a recognition of the tribal

plights—which they are plights, I can't deny that—as one would be led to believe. I'm more inclined to go with the idea that it's pure business. It's business wise to support the tribal position at this point in time, because it will result in more water for them. And in fact it's even been stated, if you read it and study it long enough, you'll find that the Negotiated Settlement, for instance, provides for these various things, and by joining in with the tribe, over an environmental issue that is pretty broadly defined, I think that they achieve their goals. That bothers me a little bit. (chuckles)

Seney: Well, I guess as I look at these things, it seems to me that that was a fairly clever move on the part of Sierra Pacific Power, wouldn't you think so?

Selinder: Indeed. Oh of course! You can't deny that. You can't deny that. Obviously they have very, very sharp people who I think can spot a good thing and make use of it.

Seney: How would you characterize Sierra Pacific Power's political position in terms of the congressional delegation in Nevada and the Governor's Office perhaps, the Legislature?

Sierra Pacific Power's Political Reach

Selinder: Well, you know, I'm reminded of something that came out quite a few years ago. When I first moved into this community, I couldn't help but notice—that was in the mid-70s, remember—and sometime in there I vaguely remember a very interesting bumper sticker that I saw, and it says, "Welcome to Northern Nevada, owned and operated by Sierra Pacific." Now if you think about that in those broad terms that we're sort of pussy footing around here, that kind of says the whole thing. I mean, it does lay it all out there, and one wonders, an organization that large, with that much control over not only water, but we're looking at primarily electricity, and to a lesser extent, I guess they even distribute natural gas, they have a very strong say in the policy-making process. I think what bothers me more than that at this point in time is that they're being *included* in the policy-making process. I'm not so sure that's an appropriate place for a private, for-profit corporation to be—and it's a monopoly if you think about it—especially one that delivers utilities to an area. How or when did that kind of an organization become the policy-making body which it appears *to me* to be at this point in

time? If you're going to talk policy, that's a good place for government. Government is not good at running things, and shall we say, we all know that, it's not efficient, and it's not geared to that. But they do make policy, and they do that well, it is a place where you concentrate the public will, and policy then emanates from that. So since when did a private, for-profit monopolistic corporation get involved in the policy-making business of a region? That's interesting.

Seney: And you must clearly see them on the other side of the fence from you guys down here in Fallon.

Selinder: Well, the irony of that is "not necessarily," because let's face it, they deliver electricity to our community, and there are 20,000-22,000 people down here and certainly they have to consider that in their mix of utility operations. Remember too, they've got the old electric utility operations from the T-C-I-D on lease now, and that's due to expire here in the next couple of years, I think '98. Is that right? Or '96? I can't remember. But they leased that system to operate it, and that's just sort of a side note to what we're talking about here really, in a way. But anyway, they have been for years providing electrical service down

here—whether it's through their own facilities or through the old T-C-I-D facilities, nevertheless it is electric energy that's being provided by Sierra Pacific. So they have a large subscriber base down here too.

Seney: I don't know if I want to say "in your nightmares," but when your thoughts turn, maybe, less wholesome toward Sierra Pacific Power, do you think they may be after some of this water that comes down here in order to increase growth in the Reno-Sparks area? And while the water sales may not be important to them, that creates a great demand for electric service.

Reno-Sparks Urban Growth

Selinder: Indeed, I think that's probably part of it, is that they're looking to move water upstream from the district, or from the project I should say—we shouldn't say district. I believe in their long-range planning—I haven't looked at it in a while—but they do include as part of their mix, the purchase of downstream water rights for use in that area. So I think they've stated their position in this, but I know up to date the federal government has been opposed to the purchase and transfer of water upstream

for whatever reasons. I suspect it probably has something to do with maybe some sort of diminishing of their property, and their capacity as a lien holder, I guess. So if you begin moving it somewhere else, who's going to be left with paying off the debt back to the federal government? I think there is a law right now, though, that requires that operating and maintenance for those transferred rights can be continued to the district. So I'm not sure it really would impact the district, per se, but I think as the water begins moving out of the valley, or if it *were* to begin moving out of the valley, there would come a time when operating and maintenance costs would skyrocket because of the economy of scale coming into it.

Owens Valley Resemblance

A little bit of that happened down in the Owens Valley. Interestingly enough, I read a book recently called *Water and Power*, and unfortunately the author skips my mind at this point. It's like Kettleman or something like that. And it was a very thick—I believe it was a doctoral thesis if I'm not mistaken, but it was beautifully written, well-written, and it, in minute detail, reviewed the incidents that led up to and then after the Los Angeles Water

and Power, "took over," if you will, the water in the Owens Valley and that area down, how that all kind of . . . What shall we say? And I have to admit, I lost my train of thought here just a second.

Seney: We were talking about whether the O&M costs would remain on the project.

Selinder: Oh, excuse me. Yes, yes, yes, you're right. Okay. So they began buying up water rights down there—those that they just couldn't wholesale take over, they started buying out. And what happened was that in the long run they would buy out from people who were willing sellers at that point in time. And so the ones that sold out that were in the beginning of this were lucky. They took whatever they could and they left the area. The ones later on, now, way down at the end of a canal, for instance, that may have hung on, for whatever reason, now found themselves having to take delivery of water that required the maintenance of miles and miles of ditch work, just to get down to their location. And when they finally threw up their hands and went to L-A Water and Power and said, "Well, I'm ready to sell now, I've had enough," and they'd say, "Well, I'm sorry,

we're not offering what we were offering before." So they would get it for a pittance. Terrible. Nasty situation.

Seney: But you know, in a sense, the interesting thing is that the water is going to go back into Mono Lake now.

Selinder: Yeah, I understand that. But remember, the original L-A Water and Power project didn't include Mono Lake. It was about fifty or sixty miles south of that. But later on it moved up into that area.

Seney: I guess what I'm suggesting by pointing this out is that things that seem in the water business to be permanent and settled, the years can change all that.

Little Equatability in Water Distribution

Selinder: Apparently aren't [settled]. And I think that's part of the concern for the folks down in our community, is that we are embarking on negotiations which in our opinion, *should* provide a permanent settlement to the "conditions," shall we say, and apportion it in some equitable manner. But unfortunately, no matter how you work it, it will never *be* settled. There will always be some other

issue. And I think that's going to be, in the long run, probably the hardest thing for everybody to understand and deal with. I believe Mr. [Robert] Pelcyger [Tribal Attorney for the Pyramid Lake Tribe]⁵ is a *damned* good attorney, and I wish he was on our side. I mean, he's amazing, he really is. And he never gives up, he's a bulldog. I think he's one of these kind of guys that kind of shotguns everything, and hopefully something hits and you connect wherever you can, and you take your lumps wherever you have to. I don't think that he would just lie down or roll over and quietly go away. I don't believe he would, because he is representing his clients to the best of *his* ability, and they're lucky to have the man. I have a "grudging respect," as they say, for him and his abilities. I don't think the issue will ever permanently be settled. There will always be some squabbles, something new, something that we did not

5. Robert (Bob) S. Pelcyger participated in Reclamation's Newlands Series oral history project. See, Robert (Bob) S. Pelcyger, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Professor Donald B. Seney for the Bureau of Reclamation, in 1995 and 2006, in Reno, Nevada, and Boulder, Colorado, 1995 interviews edited by Donald B. Seney and all interviews further edited by Brit Allan Storey, senior historian of the Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

foresee in the negotiations—assuming we can get the negotiations put to bed. The more I look at that, this whole issue is going from bad to worse. If I wasn't discouraged before the negotiations process started, I have to admit I am now. I mean, there are so many issues out there on that table.

Seney: Why don't we talk first about the mood. And then get into all these issues that are on the table (Selinder: Sure.) because I'm very interested in finding out what your mood is here about this, after you've had these initial contacts. Last time we talked about a month or so ago, you were heading off that afternoon with some others for a meeting with Mr. William Bettenberg⁶ of the Department of the Interior to discuss some of these issues. Could you tell me who else was there and what was the discussion you had that day?

Discussions with the Federal Government

Selinder: Well, I guess my first observation was that Mr. Bettenberg brought with him a group of individuals that I thought in my own mind

6. William Bettenberg, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2009, www.usbr.gov/history/oralhist.html.

would end up constituting the negotiating committee. And to a lesser degree, I was right, they did turn out to be participants. Mr. Bettenberg brought with him John Doebel. I'm not sure whether he is the manager or the head or director or whatever they call them up there, of the Regional Fish and Wildlife Office in Portland. He brought with him Tom Streckle⁷ with the Bureau of Indian Affairs. Lynn Collins⁸ who is a solicitor with the Department of Justice, I guess.

Seney: I think the Department of Interior.

Selinder: Yeah, maybe that's what it is. Where is it?

Seney: I think his office is Salt Lake City.

7. Thomas (Tom) A. Streckle participated in Reclamation's Newlands Series oral history project. See, Thomas A. Streckle, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, 2019, www.usbr.gov/history/oralhist.html.

8. Lynn Collins participated in Reclamation's Newlands Series oral history project. See, Collins, Lynn, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

Selinder: Yeah. And for a while, though, when he first introduced himself a number of years ago, I think he was in Denver, but maybe he's moved out to Salt Lake now. Let's see, who else was there? Ed Solbos,⁹ of the local BoR, manager, regional/area whatever you call it.

Seney: Area Manager.

Selinder: Area Manager, that's what it is. And let's see, was there anybody else? Oh yes, John Nolan who is with the U-S-G-S [United States Geological Survey] here out of Carson City. I think that kind of gets all of them. I'm trying to picture them around the table. So they represented the federal government. Let's see, who was it from the six-county group? The six-county group included Jim Reagan our County Commissioner, Marve Texara [phonetic spelling] who's the Mayor of Carson City. Carson City, if anyone hasn't explained to you, is a city/county, has a charter which is most unusual, enjoys some of the powers of both—rather the best of both worlds. I wish we had something like that here. Let's see, who

9. Edward Solbos participated in Reclamation's Newlands Series oral history project. See, Edward Solbos, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, 2017, www.usbr.gov/history/oralhist.html.

else? Well, myself, John MacIntyre, the County Manager for Washoe County; Kathy Jensen with Lyon County, she's a commissioner over in the Fernley area. Who else was there? Hard to picture around that table. (sigh) Some of the other names slip my mind at the moment here. Oh, Ira Rackley. Rackley is the Executive Director of the Carson Water Sub-Conservancy District. I think that pretty much comprised all of those people that were there, for both groups. There may have been one or two more, but they slip my mind at this moment. They didn't make any impression on me anyway, I guess.

Seney: What was the purpose of this meeting and these discussions?

Selinder: Well, I think Mr. Bettenberg had been copied with a letter. The first letter was addressed to Ed Solbos, the project manager here, and was from the six-county coalition, expressing a number of concerns that we had with the direction of all the issues pertaining to water were going. And it was a collection of all of these concerns from the perspective of the six participants in the six-county coalition, which incidentally is nothing more than an ad hoc organization that was just formed up kind of

on a whim to begin identifying and hopefully establishing some sort of unified position with respect to issues that impacted the river system, the Carson and the Truckee [rivers]. Because let's face it, from our opinion, the changes that are being proposed *will* impact the Carson [River]. I don't think there's any way around that issue.

Seney: Do you think it's a mistake not to include Carson representatives in this Settlement II negotiations?

Carson City Interests

Selinder: No, perhaps not. They are not exactly *excluded* either. They have been given an observer's status and are there. I understand a representative of Carson City is there, and then Ira Rackley to the extent that he can be there is also an observer. And they have been afforded an opportunity, I think, to join in, in a more formal way, in the future, if they feel that's necessary. One of the things we need to be mindful of is, though, that while the actions of the federal government probably in all likelihood have involved—and I think our letter said "inextricably involved"—in the Carson River and this whole quagmire, we are cautious in outright advocating the Carson

Division, if you will, or the Carson River and the people on the Carson—we're not pointing fingers at them as that is the solution. We feel though, that since actions have been taken that impact the region, that they should be involved to some extent, and it's up to them to determine how much or how deeply to become involved. So I think at this point they've taken an observer's status, but they may very well jump in with both feet. And at the first meetings, the first negotiating session, which that was an open session, it very clearly came from, I believe, Bob Pelcyger and the elements that make up the environmental caucus . . .

END SIDE A, TAPE 1. SEPTEMBER 30, 1994.

BEGIN SIDE B, TAPE 1. SEPTEMBER 30, 1994.

Selinder: Yeah, so we have two overt indications that they should be involved and provide part of the solution: from Mr. Pelcyger and then from the environmental caucus, which is E-D-F [Environmental Defense Fund] and T-N-C [The Nature Conservancy] and I don't know who-all else.

Seney: The Environmental Defense Fund and Nature Conservancy.

Selinder: Yeah, and Nature Conservancy, and I think the Sierra Club too, if I'm not mistaken.

Seney: Let me go back to the six-county coalition and your letter here. Could you kind of summarize the concerns or highlight the concerns that you expressed in this letter?

Six County Coalition Concerns

Selinder: Well, among the concerns that we had expressed in the initial letter, and I think we just reiterated that in the second letter which then was addressed to Mr. Bettenberg, were among others, I suspect I'll probably forget some of them, our concern that the no-action alternative with respect to the TROA–Truckee River Operating Agreement–E-I-S [environmental impact statement] de facto recognized that there would be 119,000 acre feet of water available by the year 2020, or whatever that time frame was, and that right now they're operating around 79,000-80,000 acre feet of water. So our concern was, where the devil did this other 40,000 acre feet come from?

Seney: Are you talking now about Westpac?

Selinder: Right.

- Seney: Because that triggers-in, doesn't it, as the growth grows.
- Selinder: It does, but where's it coming from? Where is it coming from? See, that's what we can't figure out. So essentially our concern is in the Truckee River Operating Agreement that they're being given recognition for something that they can't have at this time. But I'm afraid, our concern is that the no-action alternative legitimizes that without even addressing the issue. So that, to us, is not a no-action alternative—that's a pretty significant action, on *somebody's* part.
- Seney: When you say, "no action alternative," that assumes that nothing happens with these Settlement II negotiations?
- Selinder: That's exactly right. It's as if the TROA doesn't exist. So I guess then the next question is: Where does the water come from?
- Seney: What answer were you given?
- Selinder: Ummmm, well, from my perspective, it was, "Well, you do realize that we have a time frame or a window in which we have to look at what is going to happen to this community,

and that the no-action alternative simply means that we do not put into effect the preliminary settlement agreement or the Truckee River Operating Agreement. So we can't say that we're not going to grow. Therefore we are going to have that water." And of course our question is: From where?! Well, it certainly implies that we will have to develop other sources, and we are out there looking for it. But I'll tell you right now, I don't think that *any* of the sources they're looking at can generate the type of water to produce 40,000 acre feet.

Seney: Other sources would be buying agricultural water rights?

Selinder: Well, but there isn't that much water *left* in the area. I'm not sure how much, but there is not much ag left in that valley. I don't think that that will get them very far towards this solution. So anyway, that was one of our number one concerns. Additionally, I think we threw in a concern that the preliminary draft environmental impact statement for the purchase and transfer of water right to the Stillwater Wetlands was seriously flawed in that they did not come up with any true alternatives, but rather took one scenario, one alternative, and came up with four variations

on the same theme, which again, is not in the spirit of NEPA [National Environmental Policy Act].

Seney: Can you explain a little what you mean by that? How this E-I-S didn't consider alternatives but took simply the one and then did what you characterized.

Questions about NEPA Alternatives

Selinder: Well, I think, from our perspective, when you are supposed to analyze alternatives, as we are interpreting NEPA, the National Environmental Policy Act, what ends up in the middle of that is that you should have a number of alternatives that are based on different types of actions, to achieve a particular result. In this case, that result is, and we know it, and that is to maintain on a long-term average, 25,000 acres of wetlands, and then they kind of set them out of where the locations are. Well, um, somewhere along the line, the Fish and Wildlife Service took that to mean, "We'll go out and buy the water necessary to do that." And so they're talking about purchasing and transferring up to 125,000 acre feet of water. Very little credence was given to the existence of a

significant amount of runoff; well, it isn't even runoff, but it's water that results from the agricultural . . .

Seney: Drainwater and spills?

Selinder: Yeah, spills and things like this. That was given very little credence, even though the feds do have water rights for that. In 1986, I think, they were granted water rights for up to 160,000 acre feet of this type of water. True, it's a secondary right, but nevertheless, they have a right to it. Well, all they did was, they went out there and they figured, "Okay, if we're going to meet these efficiency targets, which climb from around sixty-five, sixty-two percent all the way to seventy-five percent and higher, the only way we're going to do that is to buy the water, because we're going to lose the runoff and so on and so forth. But again, it's only one solution. In the meantime, we've had people out there that are talking about things like, "Why don't you lease some of the water? Why don't you get off the kick of staying with the high efficiencies, when you *know* that a great portion of your water comes from this so-called *lack* of efficiency?!"

Groundwater pumping: Good Lord, the recent report that was put out by Mauer

[phonetic spelling] with the U-S-G-S, implies that there is a *significant* amount of groundwater in this community. And even though they may not drill a well right out in the wetlands area, if they are going to have some control over delivery of water, for heaven's sake why don't they pump it into a nearby ditch and let it run down. There's another piece to it. There are lots of others, shall we say, that involve alternatives that we have been exploring, that may result in some additional water going to the wetlands. There's always the upstream on the Carson routine. True, they're going to have to do that within, as we are holding, within the decrees on that system—but it can be done. They can also lease from upstream. I'm not so sure that's even covered in the Alpine Decree.¹⁰

10. "The Federal Court adjudication of the relative water rights on the Carson River which is the primary regulatory control of Carson River operations today. The decree is administered in the field by a watermaster appointed by the federal district court. The decree, initiated by the U.S. Department of the Interior on May 1, 1925 through U.S. v. Alpine Land and Reservoir Company, et al., to adjudicate water rights along the Carson River. The decree was finally entered 55 years later on October 28, 1980, making it the longest lawsuit undertaken by the federal government against private parties over water rights. The decree established the respective water rights (to surface water only) of the parties to the original lawsuit, both in California and Nevada to Carson River water. The decree did not make an interstate allocation of
(continued...)

And so there are lots of ways to get at this thing without going out there and just snapping up all the water rights and sending it on down there.

U.S. Fish and Wildlife Focus

- Seney: Why do you think that the U.S. Fish and Wildlife Service focused solely on the purchase of the water rights? Do you think they just didn't have the imagination to consider the other alternatives? Or was there maybe some other motive, do you think?
- Selinder: I think there were some other motives in there. One is, that was the most expedient thing to do. This will get us there with the least amount of hassle, and I think that's a very real concern for the Fish and Wildlife Service. Once you come to the conclusion that they're looking for the most expedient way to do this, that automatically then locks them into a purchase program, and from *my* perspective, eliminates the *need* to consider anything else, because all you do then is you simply hide behind the law, and you say, "Look, the law is

10. (...continued)
the Carson River between California and Nevada; it only quantified individual water rights," Babylon Software, [www.babylon-software.com/definition/ALPINE_DECREE_\(California_and_Nevada\)/](http://www.babylon-software.com/definition/ALPINE_DECREE_(California_and_Nevada)/) (accessed 5/2019).

telling us to do this." And I've heard that over and over and over again. Alright? And so what they're saying is, "That's it, it's final, end of discussion," and we put the blinders on and we go on our way, and we deal with this. I've read that law over and over and over again, and I don't come to that conclusion.

Seney: [Public Law] 101-618?

Selinder: [Public Law] 101-618. I don't come to the conclusion that it locks them into a particular way to do this. I think what it *does* do, though, is it gives them the mandate that they have to come up with 25,000 acres of wetlands—yes, we can't deny that. But that's it! I think that the drafters of that legislation were clever enough to know that with a lot of wiggle room they could hopefully end up with a program that would essentially meet their goals without decimating the valley. But so far, that hasn't happened.

Seney: Let me say that some of the people here in the project area that I've interviewed are, to put it mildly, kind of cynical about the motives of the various elements of the federal government in terms of the project itself, and see maybe a desire on the part of the various

elements of the federal government—the Department of the Interior, Department of Justice, and elements within it—to really dismantle the project, to shrink it down. Do you feel that way, do you have that sense?

Motives of the Federal Government

Selinder: Yes, I do.

Seney: You share that feeling then?

Selinder: Uh-huh, absolutely. I mean, you can just see that in the day-to-day dealings that Bureau of Reclamation has with the district in the way of operations.

Seney: If you would, give me an example.

Selinder: Well, I mean, look at this most recent fiasco that they just came away from this 450 miserable acre feet of water that was to be set aside for the tribe. And the fact that when that got to a contest of, "Look, we are not going to release that water for the benefit of *this* element of the water right holders"—or the "users" if you will—"to the detriment of these other folks over here who have really suffered." The first words out of the mouths of the administrators here was, "Fine, we'll

come in and take over the system." Now that's a *strange* attitude. And that's getting to be the favorite club that they use. And of course, unfortunately, our poor folks down here, they don't know which way to turn on that. And so they generally acquiesce to the threats that BoR seems to use so freely.

Seney: That is, the BoR threatening to come in and take over management of the project.

Selinder: Management of the project, exactly.

Seney: Do you regard that as a credible threat?

Selinder: (big sigh) To a certain extent, I do. The reason I do that is, that at this point in time, I think, just based on previous actions and so on, just one impediment after another. I mean, you go backwards into this issue that's driven by—well, what do you want to call it? A lawsuit, to a certain extent, but nevertheless, bench/bottomlands issues for instance, storage criteria, the issue of when you can take delivery of water, in terms of how long you have to order it up before you can take delivery and so forth. All of those, are just, in my opinion, nuisances that are thrown out there that in one way will devalue, to the

farmer anyway, and so demoralize him that hopefully he'll just sell out to the Fish and Wildlife and go away, and the farmers will not be a factor to contend with any longer down here. I see that.

Seney: You feel pretty strong about that in your mind.

Selinder: I feel pretty strong about that, exactly. Now, I'm not so sure they're sitting down in a smoke-filled room somewhere to do this, but each in their own way is contributing to this impression. I really think that it's making the farmer, besides hurting his sense of well-being and comfort and so on, and that's stressful. The actual acts that are being done just simply reinforce the federal government's—or the attitude, I guess, of the people down here *about* the federal government, and the fact that once they set their mind to it, it doesn't matter how long it takes, but they have time and money and resources on their side, and eventually they will achieve their ends. Very ugly picture, but that's probably true.

Seney: Do you suppose it becomes sort of built-into the outlook then of each of these agencies (Selinder: I think so.), the Bureau of Reclamation, Indian Affairs, Fish and Wildlife?

Selinder: I think so, yes, that they are mandated by the federal government to do the will of the people, which is kind of a vague decision-making body 3,000 miles away, that really doesn't have any great understanding for what's going on out here. And I have to say I think that our legislators have been pretty well hoodwinked over this whole thing, and unfortunately have taken some actions now that are going to be very difficult—in fact, probably impossible—to back away from.

Seney: And the mindset would be that the Newlands Project is expendable, essentially?

Expendability of the Newlands Project

Selinder: Yup. And I've heard arguments that would lend themselves to that sort of logic. Interestingly enough, when we talk about, for instance, groundwater in the valley, and the fact that it rose after the community got going and agriculture came about, and the wetlands began receding. We have been told by representatives of the federal government that the attitude is that, "Hey, in 1902, with the passage of the Reclamation Act, essentially the wetlands ceased being, and the federal government really *doesn't* owe anything to

that, shall we say, bit of natural resource there. Likewise, the issue of groundwater. Unfortunately, groundwater is available, but in 1902 when the government passed the law creating the project, the fact that it was operated inefficiently, caused that water to 'appear' if you will, and it's a result of *inefficiency*, and therefore you have no claim to it." Those are some of the attitudes that make me think that the federal government really doesn't give a damn about what happens down here to 20,000 people. They've taken actions in the past that make communities ebb and flow and blow away in the wind, if you want to look at it that way. I was reminded of one of those the other day by a fellow. We were talking about the same thing—I forget who it was now. In fact, I was talking about it in terms of historical perspective, and I said, "I don't really think that the good senator, in his long-term view wants . . ." (Seney: Senator [Harry] Reid?¹¹) Yes. ". . . wants to be known as the guy that sort of fostered the

11. Harry M. Reid served the state of Nevada in the U.S. Senate from 1987 to 2017. Senator Reid also participated in Reclamation's Newlands Series oral history Project. See, Harry Reid, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

demise of a very significant and substantial part of Nevada, through an ill-conceived piece of legislation. I don't think he'd wants to do that, and I don't think the federal government would want to do that as a whole." And he said, "Well, I might remind you of the coal gasification project back in Colorado." They created a whole community around that, a whole situation, and when the federal government, for whatever reason, decided that they were no longer in the coal gasification business and there really was no future in it, they shut down the plant and they left a community with federal people and so forth, from every walk of life, whether it was B-L-M or whether it was from some other Department of the Interior organization or whatever, they simply left them in the lurch. And when these people either had to move or go bankrupt, the federal government did not take any action to alleviate the misery and problem they had created by moving out, and essentially, this guy claims—and it was a good source, it just dawned on me who it was, it's Ed Tilsey [phonetic spelling], he was with the B-L-M for thirty years. He's one of our resource consultants right now. And he said they literally allowed the community to fold, and people had to take a bath on their homes.

There was no way to finance them or maintain them or anything else, and they literally had to declare bankruptcy or walk away. And those were *federal* employees now we're talking about. So he said, "Don't think for a minute they would hesitate to take an action that might not impact this community in a *very* negative way." Makes me a little nervous. (Chuckles)

Seney: I'm sure it does, yes. Let me take you back to these discussions that we were talking about, to ask you what some of the other issues were that were brought up.

The OCAP

Selinder: Those were the two main ones, but we also expressed a concern over the operating criteria and procedures, that was apparently in the works, the OCAP. We expressed our concern that *none* of us on either river system were consulted in the redrafting of the OCAP, which we understand has been drafted and is sitting on some bureaucrat's desk in Washington, D.C., sort of waiting the outcome of the negotiations right now—which incidentally does nothing to alleviate our concerns and fears over what's going on right now. Because if, for some reason, we fail in

our negotiations—and I don't want to make that sound too negative, nor that I'm anticipating that—they're ready to drop the bomb on us, they're going to go right ahead with the OCAP which is already drafted and a renegotiated contract to maintain the operations here. So anyway, getting back to the OCAP situation, we expressed our concern that we'd neither been consulted nor in any way asked to provide any input.

Seney: Do you feel this OCAP may, say, increase the efficiencies beyond the sixty-seven percent up to the anticipated seventy-five?

Selinder: Well, let's face it, OCAP's main purpose for being is to increase flows to Pyramid Lake. That's the bottom line. So *any* changes they make will mean a reduction in volume coming down the Truckee Canal to this operation here to the irrigation operation in the valley. Additionally, you begin throwing in these various criteria that establish things like storage levels and diversions and whatever else. They can only have a negative impact on us, if you really think about it. And I think what they're looking at now is, no one drafted OCAP with an idea that we have an eight-year drought, that's for sure. You know, the funny

thing is, they still require you to maintain storage levels—you can't exceed those. I find that amazing. (Seney: Storage levels?) At Lake Lahontan. That's the one thing they've kept pushing very heavily.

Seney: When you say "maintain storage levels," you mean?

Storage Levels in Lake Lahontan

Selinder: Maximums. So in other words, they're artificially set, I think, on the basis of a pretty good water year, as far as I know. Unfortunately, that really adds some problems. We're not able to retain as much at the lake as I think we ought to be.

Seney: Kind of explain that to me. I'm not sure I understand what you're referring to. The government is saying you've got to maintain certain levels?

Selinder: Maximum storage level I think is 215,000 acre feet—can't exceed that.

Seney: But the lake will hold much more.

Selinder: Oh, the lake will hold, I think, 298,000, if I'm not mistaken.

- Seney: Right, with the boards on it.
- Selinder: With the boards, yeah. Just a hair over 300 [300,000 acre feet of water].
- Seney: Yeah, but they say you can only keep 215.
- Selinder: Two-fifteen [215,000 acre feet of water] max.
- Seney: Why?!
- Selinder: Again, I think that's part of this overall process, well, I don't want to go so strong as using the word "harass," but it's certainly to keep the rancher off-balance, I think—or at least that's the effect. It may not have been what they wanted to do, and they'll, of course, forever deny that, saying, "Hey, our only intention is to make sure that there's water for *cui-ui*." But the net effect is, it makes our operation so shaky that I think it has the—it may be intended, but I'll call it unintended—consequences of making the farmers' lot down here absolutely miserable—absolutely. It's a terrible way to live.
- Seney: How did this meeting go? What was your feeling?

Results of the Meeting with Government

Selinder: Well, Mr. Bettenberg is a true career bureaucrat, and I mean that in the kindest terms now—I'm not using that in a derogatory way at all—and he certainly knows how to deal with people. He was very cordial, he was very responsive to our concerns and addressed them, but when you start sort of peeling back the fluff, there was no substance to the answers, in our collective opinions. And so the problems are still out there with no solutions—only an offer to continue to meet and confer and so forth. So I don't think we really resolved much. It resulted in another letter being written, this time directly *to* Mr. Bettenberg, and it's in the process of being signed right now, which again reiterates our fears, expresses our concerns, and so forth in some slightly different terms. I don't think that he really answered too much of anything to our satisfaction.

Seney: I would think, given what you've said, you must have left the meeting sort of worried and concerned that what you want is not being listened to.

Selinder: Ah, no, not really. I think that Mr. Bettenberg is certainly a smart individual and will take

these expressed concerns to heart, and at least think about them for a little while. Now whatever comes out of it, I can't tell you at this point in time, but I've noticed some changes in the way that—well, at least in attitudes and so on, in the most recent couple of weeks. It seems like this negotiations process hopefully has opened up the ability to bring out some of these concerns in a more structured manner. After all, we only spent an hour-and-a-half or two hours with Mr. Bettenberg, and that was not enough time to pursue our concerns, at all. So I think among the biggest issues there, when we spoke with Bettenberg, was this sort of unwritten policy that we were aware of with respect to management of the Carson River, under a CROA—Carson River Operating Agreement. The oddity there is that there are no upstream storage reservoirs on the Carson River at all.

Seney: The only storage is the Lahontan [Reservoir].

Selinder: That's right. And by decree, the river is fully appropriated. So where's the water come from to assist the operations down here? I shouldn't use "operations," I mean maintenance of the wetlands and so forth. That's a bit disturbing

to me. But from *our* perspective, if you squeeze down or crank down the OCAP and put in more constraints in the use of the Truckee River, clearly it, because of the way in which the OCAP is structured, maximizes the use of the Carson—it minimizes the use of the Truckee River. And that shoves the whole issue back up into the Carson River system, and involves them kind of by the back door in this whole process.

Seney: Is that one of the things that's really going on here, do you think, to decouple [the Truckee and Carson river systems]?

Decoupling the River Systems

Selinder: Oh yeah, I think they're going to try to decouple. I shouldn't use the term "accepted," but what will end up being implemented is an operational decoupling, which is what the environmentalists have kind of come up with, which involves more of a—I guess one would have to do more snow surveying and monitoring and try to develop some sort of truly bulletproof way of predicting what the Carson River is going to yield, and then measuring that, and better measurements and so on. And once that yield has been determined, *then* turn around and through a

series up upstream storage schemes on the Truckee, divert only that amount which is necessary to make up for the difference in the needs. It makes sense to a certain extent, but now we're going to be kind of treading upon some of the basic sensibilities and feelings of our rancher-farmer community, I think, because they don't trust the federal government to do anything right.

Seney: Well, I'm aware that there's a lot of anxiety on the part of the farmers and the users here (Selinder: Ummm, think about it.) about any upstream storage scheme.

Selinder: You bet, you bet.

Seney: I think, if I may, a couple of the things that are in mind here, one is, for example, the whole problem of recoupment,¹² and if it's stored

12. United States Department of Justice, "Truckee Carson Litigation," The United States pursued "recoupment of the diversions made by the District in violation of the operating criteria in effect from 1973 until 1987. Following a four week bench trial in 2002, the district court issued judgment against the District and directed it to repay the Truckee River 197,152 acre feet of water over twenty years. In 2010, the Ninth Circuit affirmed the district court's ruling on liability, but remanded to the district court to recalculate the amount of water that the District was required to repay without adjustments that had lowered
(continued...)

upstream, it may be appropriated on the recoupment side.

Selinder: Well, it could indeed be appropriated, because after all, I guess you get down to that "possession being (chuckles) nine-tenths of the law" routine again, and that's been a concern of the farmers *all* along, for all these many years. I can remember my first exposure to water rights, western water right law and so on was when I first took over as county manager—in fact, it might have even been before that—I attended a number of meetings: one of them was held down here, and I think one up on the Carson and one on the Truckee Division.

END SIDE B, TAPE 1. SEPTEMBER 30, 1994.
BEGIN SIDE A, TAPE 2. SEPTEMBER 30, 1994.

Seney: This is September 30, 1994, my name is Donald Seney. I'm with Bjorn Selinder, the County Manager of Churchill County, in his office in Fallon, Nevada. Go ahead, Mr.

12. (...continued)
the amount under the original judgment. Remand proceedings, to recalculate the amount of water owed to the Truckee River, are pending. The case represented one of the first uses of a restitutionary remedy in the context of water rights and federal Indian trust responsibilities." <https://www.justice.gov/enrd/project-water-rights> (Accessed 4/2017).

Selinder.

Introduction to the Newlands Project Water Problems

Selinder: Okay, we were talking, I guess, about my first impression of water and so on, on the upstream storage issues. I gathered very quickly that the ranchers and farmers down here were not ready to place their fate in the hands of the federal government through some upstream storage scheme. This was at a time when they were forming up or dealing with something called the Watasheamu Project. And the Watasheamu Project involved the construction of additional storage up on the Truckee *and*, I guess, on the Carson. In fact, it was going to be a very large storage facility on the Carson, I think that overlapped clear on into California.

Seney: That was the Watasheamu Dam? (Selinder: Yeah.) We're talking about the Washoe Project? (Selinder: Yeah, Washoe Project.) And Watasheamu was the dam on the Carson.

Selinder: Was the dam on the Carson, that's right. And of course I guess they actually started the portion of the Washoe Project [on the Truckee River], the Stampede Dam and Prosser,

exactly.¹³ And of course the federal government stepped into that and said, "Unt-uh, that's ours and we'll do this and that and so on."

Well, these guys, even though there were folks willing to offer them control over that reservoir, they didn't want anything to do with it, because unless they had it in their back pocket where they knew that it was safely tucked, it simply was not going to be something that they could place their faith in.

Seney: They were being asked to give up water rights they held at that time for future rights in Watasheamu, were they?

Selinder: I believe that was part of the scheme too. There were lots of aspects to this, and of

13. The Washoe Project comprises the drainage basins of the Truckee and lower Carson Rivers. The project covers an area in west central Nevada that includes the cities of Reno, Sparks and Fallon, and the Town of Fernley. The project also covers a small portion of east central California in the vicinity of Lake Tahoe, including the cities of Truckee, Tahoe City and South Lake Tahoe. Reclamation designed the project to improve the regulation of runoff from the Truckee and lower Carson River systems. It also provides fishery uses, flood protection, fish and wildlife benefits, and recreation development. Major features of the project include Prosser Creek, Stampede and Marble Bluff Dams, and Pyramid Lake Fishway. For more information, see Carolyn Hartl, "Washoe Project," Denver: Bureau of Reclamation History Program, 2001, www.usbr.gov/projects/pdf.php?id=208.

course being new at this I didn't pay much attention to it. All I saw was the anger and the emotionalism that went along with this very touchy issue. That's what I remember mostly about it. And I remember some of these old-timers talking about, "By God, I don't care if they give me the hand wheel and I lock it up, I'm not going to do this! It's just simply not going to be the case. I'll stand out there with my shotgun!" (laughs) Typical kind of western mentality. And it made an impression on me then—amazing.

Settlement II Negotiations

- Seney: Let's talk more about the Settlement II negotiations which were last week. Were they last week?
- Selinder: Yes, you mean the last Friday-Saturday past, uh-huh.
- Seney: Right. Give me your views of what went on in the preliminary meeting on the Settlement II negotiations and what your take at this point is on what's likely to happen.
- Selinder: (laughs) Well, I guess, for the lack of a better term, and it's an old cliché, and that is, we're

still in the honeymoon period and we don't really know that much about each other. I will say, though, that there was a tremendous outpouring of what appeared to be good will on everyone's part. I am somewhat taken aback by a statement I think that was made by the federal government on the last day towards the end of the day. When they started this process what they decided on was the federal government was not going to present a proposal at this time, preferring instead to wait and listen to what the other parties had to say, in order for them to formulate some sort of position or opinion, I guess. So once all of the parties had given their position, which involved the State of Nevada and their position; the conservation caucus; the Lahontan Valley Environmental Alliance [LVEA]; the Sierra Pacific people; the upstream Washoe County interests, broader interests; and the Pyramid Lake Tribe. [Assistant Secretary of Interior Elizabeth Ann] Betsy Rieke,¹⁴ I think, made a statement that

14. Elizabeth (Betsy) Anne Rieke served as Assistant Secretary of the Interior for Water and Science under the Clinton administration from 1993 to 1996. Ms. Rieke also participated in Reclamation's Newlands Series oral history project. See, Rieke, Elizabeth (Betsy). *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by (continued...)

kind of just slid on by—I don't think a lot of people paid attention to it—man, it got *my* attention! And that was, "Well, having heard what we've heard here over the last few days, it's become evident to the government that we are going to have to formulate a position." And I'm not sure quite what that means, but I am enough of a skeptic to think that it means something negative in terms of they didn't hear either any concessions, they didn't hear any concrete proposals, nor did they really hear anything in the area of—well, any willingness to work together, which is surprising inasmuch as I've just gotten through saying this was the honeymoon period, isn't it? But I think everyone was cordial, there certainly wasn't any backbiting or any attempt to stab anyone or anything else. Everybody sort of more or less laid out what they wanted, but they were pretty extreme positions. They were all over the face of the map. There was really nothing there that I think the government could sink their teeth into to call a workable solution. Now maybe they're expecting too much too fast.

14. (...continued)
Brit Allan Storey, senior historian, Bureau of Reclamation, 2013,
www.usbr.gov/history/oralhist.html.

- Seney: Is this, do you think, just normal negotiating ploys on everyone's part to stake out their extreme position, and then work in from there?
- Selinder: Maybe so. I think some of them, at least, are working that way. But you know, with us, and working with Mike Clinton, our negotiator, his firm position was, "Look, you might as well go in there and lay out what you can tolerate and what you want out of this, rather than pussyfooting around." And he had a special term for it, and I can't remember what it was—"principled negotiation." Essentially, you lay out your position and then you see how you can arrive at as close to that as you possibly can. I guess by way of calling it principled negotiation, does that make everyone else's proposal *unprincipled*? I don't know. (laughter) That's kind of a unique one—I never thought about that. (laughter)
- Seney: What was it that the Lahontan Valley Coalition—and that's the part of it that *you* took part in (Selinder: Yes.)—what was it that you all laid out as your position?
- Selinder: Without going back and referring specifically to it, it's going to be really broad brush. We came out with an offer to back off of the total

amount of irrigated water righted lands in the community. A willingness to reduce to some lower level.

Seney: You didn't specify any number at this point?

Selinder: I think it was 43,000 acres, down from 59,000. That's a pretty substantial reduction. I think also talked about, believe it or not, upstream storage on the Truckee, and the possible need to do that in order to do several things. Among them, I think, was the need to store water up there for use in the later part of the season when the Truckee Division, such as it has this year, is severely impacted, due to a lack of any water to divert. That's a tragedy. I think it could have gone a little further with their season, but the fact is, I don't think they wanted to treat the Truckee Division unfairly. So everybody got cut or stopped at the same time.

Seney: But clearly the experience, perhaps, with the Truckee Division this year helped you maybe come to the conclusion that upstream storage made some sense for you.

Selinder: May be a valid position. So it was thrown out there on the table, I believe.

Seney: Let me say here, if I can interrupt you just for a second, that I know, for reasons that I alluded to earlier, and you concurred in, that is the cynicism of the users down here in terms of upstream storage. And there are others who have remarked to me that the district's been fairly hard-headed about this, (Selinder: Yeah.) the upstream storage issue. So this was kind of a concession on your part then, you think?

Selinder: Well, I think so, because only a few weeks before that, they had had this very hard-headed approach, you know, to upstream storage, that we wanted it all done in our back yard. And believe it or not, that was put out by the T-C-I-D, not by the Lahontan Valley Environmental Alliance. We simply piggybacked into it. But my understanding was that when we met with Mr. Bettenberg, as we've been talking about previously, he began talking about—I think we had an agenda lined out and we wanted to talk about the issues that we had brought forth in this original letter—and then I put down "other" issues and items. And at that time, even though I'd heard it a few days before at a Truckee River Operating Agreement negotiating session, or a drafting session which they hold these from time-to-time in the Reno-Sparks area, he

mentioned additional upstream storage capabilities because of the operating agreement and the TROA and that during anything but a one hundred percent year, there was always room for some upstream storage. (sigh) No, forgive me, I'm confusing myself. That came about after the meeting we'd had with Mr. Bettenberg, the six-county group. He reiterated his discussion that he brought up at the six-county meeting—that's what it was—that there was additional storage upstream. And at the six-county coalition, he did mention that this was a proposal that had been put forth by the T-C-I-D, which I about fell off my chair. But they're talking about storing up to 10,000 acre feet in some sort of an exchange basis to provide water at a later time for the Truckee Division ranchers and farmers. But do you realize that that of course creates a secondary benefit, one which I would think the upstream interests in the Truckee Meadows area would jump at, and that is an opportunity to improve instream flows later in the year when all you have flowing down there is stuff coming from the treatment plant—pretty rank. So anyway, that was thrown out onto the table. So we took Mr. Bettenberg's offer literally and threw that in as a negotiating position, that we would be

willing to consider that, in order to improve everyone's lot. So that was rather an interesting change from the positions that had been held in the past.

I have to admit, too, and I think in this day and age we have a lot more reasonable people sitting around the T-C-I-D Board. In those old days when I first came on board with the county, I can remember those old fellows setting up there, just literally thumbing their nose at the demands that were being made by Washington, D.C. Of course in the long run I think that really hurt their credibility, because of the fact that after a while, the likes of Mr. Pelcyger and maybe some of the more radical elements within the government itself that were looking more from an environmental point of view than they were from the agricultural point of view, managed to, I think, convince the Department of the Interior and make it a part of their corporate knowledge, if you will, that you're dealing with a bunch of radical mavericks down there, and that you shouldn't cut them any quarter, and that, unfortunately, has been allowed to fester and go on. But now, I mean, I've actually had board members who've made statements with respect to expanding the board, for instance, that it's high time, we need

to do something like that, we need to provide for a broader representation.

Seney: So they're facing the political reality.

Selinder: They are indeed, and I mean it's a most refreshing attitude, in my opinion.

Seney: Let me ask you about putting out on the table the shrinking the project to 43,000 irrigated acres, and the upstream storage issue and whatnot. When you went into this negotiation, did you, among yourselves, say, "Listen, we've got to be practical here. T-C-I-D, and by implication, *all* of us down here in the Lahontan Valley, have got kind of a black eye. We're seen as the kind of obstreperous (Selinder: Uh-huh.) sort of blocks to any kind of settlement in the past. Now maybe in this case we've got to put ourselves out a little more."

Selinder: I don't think that they were concerned about, or I don't think the issue of their image ever came up in our discussions, but certainly the need for a real concession was discussed.

Possibilities for Compromise

Seney: Can you give me a little flavor of how that was discussed, how that was expressed, what the feelings were about your needing to make some concessions on your side? Let me put it in this broader context for a moment, if I may. My feeling in talking with some of the other elements is that they really have in mind what demands they're going to make. (Selinder: I know.) And that's not necessarily the position that you all are in here. You all, I *think* feel, if I'm reading things right, that maybe some concessions are in order.

Selinder: Absolutely.

Seney: Can you give me a sense of how that discussion went.

Selinder: Well, I think it really began evolving after the Lahontan Valley Environmental Alliance came into being and through the very serious efforts of some of the individuals in that organization.

Seney: Who would you mean in that regard?

Selinder: Certainly Mary Reid, Jim Johnson, Roger Mills Who interesting enough is a member of the T-C-I D—is he a farmer, is he on the board, I really can't remember. I do know that Bill

Shepherd is, of course. And they're, for instance, taking Bill, a well-educated man. He's not really a rancher-farmer, he's retired up here. I think he was either a dean of a college or something, if I'm not mistaken, and was an educator, and he brings in a whole different perspective. You're getting some younger people with different attitudes on the T-C-I-D Board. But getting back to the L-V-E-A and so on, once the L-V-E-A began interacting with the T-C-I-D, I began noticing a change in sort of the attitudes there. Nevertheless there is still this underlying attitude that, "By God, you know we're the only ones that *have* anything, therefore we are going to be the target of everybody and what they want. So we are going to have to concentrate on what they *need* rather than what they want, and there could be a significant difference there." And that discussion went on and on and on. [Trying to agree on what they] had to have in order to meet their needs, rather than shutting off the canal and everybody going home and calling it good. I don't see how that is going to work. There is no way that that canal can be shut off—there are too many interests at stake, both political and practical. That can be a pretty tough issue to broach. I'd be amazed if they

got that one on. I think as close as they're going to get to that is an operational decoupling. And in a way, that's not the best solution either, but I guess it serves as a solution.

Seney: When you say "operational decoupling," that goes back to what we were talking about a few minutes ago. [both talking at once]

Selinder: A more refined process. [both talking at once]

Seney: . . . 60,000-80,000 acre feet when you need it, to make up the deficit in the Carson, as opposed to letting her flow.

Refining the Diversion Process

Selinder: Right, right. I'm not sure how that is going to come about, because we had a little example this last spring, you know, of what I have to call convenient measurements and findings, in that they declared a hundred percent water year back in March, I think it was, and amazingly enough, by April it wasn't a hundred percent water year, but they'd already made up their mind, releases were taking place, and as a result they'd about emptied Stampede. Although they claim that thanks to the fish running in a more timely manner and

so on and so forth, that they didn't have to take as much as they thought. That, in the eyes and minds of the rancher-farmers down here is just another example of federal intervention and decision-making to meet a particular end without considering all the parties that are involved.

Seney: I expect what you're referring to there is letting the water out of Stampede to facilitate the *cui-ui* run (Selinder: Yeah.) in Pyramid Lake, declaring it to be a hundred percent year (Selinder: Right.) so you can let a lot of water out to meet that run, and then "oops! no hundred percent year!"

Selinder: Yeah, and the funny thing about that is, everyone we've talked to cannot, for the life of them, figure out how in the world they came up with a hundred percent water year declaration, or sufficient snowpack to declare a hundred percent—it simply wasn't there.

Seney: Who made that declaration?

Selinder: Oh, we've heard all manner of different people. At one time, Ed Solbos got in the middle of it, and they claimed it was him. Somebody else pointed a finger and claimed it

was Chet Buchanan.¹⁵

Seney: Who is . . .

Selinder: He is the Head of the Fisheries [with the U.S. Fish and Wildlife Service] on the Truckee River. I'm not sure who did, frankly, but those were the rumors flying hot and heavy. We've never really come to the bottom of that, but as a result of that, one of my Board of Commission members wanted us to right a *very* strongly-worded letter of protest to our legislative delegation in Washington, protesting that kind of heavy-handed, bureaucratic decision-making that really had no basis in fact.

Seney: Did you write the letter?

Selinder: Oh yeah. The funny thing is, we never got a response on it. However, Commissioner Reagan, the fellow that wrote it and signed it, he did go back to Washington and spent some time with Congresswoman [Barbara]

15. Chester Buchanan participated in Reclamation's Newlands Series oral history project. See, Chester Buchanan, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, emeritus, California State University–Sacramento, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2010, www.usbr.gov/history/oralhist.html.

Vucanovich.¹⁶ I think the other two were back here, it was just right around the Labor Day Weekend festivities, so neither one of them were available. He didn't say much about it. He also met with Betsy Rieke, and I know that there have been some instances here where we have not been real happy with Mr. Solbos, and I know he talked to them about that. I'm not sure what-all came out of this.

One of the other reasons that perception down here is that the federal government is really interfering more than they should be is, part of the decision-making process, the hundred percent water declaration and so on, the reason they did that was they wanted to recoup, I think a 17,000 or 18,000 acre foot "loan," if you will, from the previous year which otherwise would have been extinguished, I guess, if there had been another year of drought. So they essentially

16. Barbara Vucanovich was the first woman and the first Hispanic to serve the state of Nevada in the House of Representatives from 1983 to 1997. Congresswoman Vucanovich also participated in Reclamation's Newlands Series oral history project. See, Barbara Vucanovich, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013, www.usbr.gov/history/oralhist.html.

took 17,000 or 18,000 more acre feet than they should have in the first place, which *really* belonged down here because of the terms and conditions put upon the agreement for that transfer.

Seney: But it went to Pyramid Lake.

Selinder: But it went to Pyramid.

Seney: And if it hadn't been a drought year declaration, that would have been abrogated.

Selinder: That's my understanding of it, that's correct.

Seney: (with understanding) Ah!

Selinder: Or at least held in abeyance.

Seney: Yeah. I can certainly understand, as you describe this situation, these various problems, that it must be kind of discouraging down here from your point of view (Selinder: It is, for a fact.) in terms of being dealt with fairly.

The Watermaster

Selinder: Right. And there are so many different elements that you never know what the right hand and the left hand are doing. And

sometimes I suppose they can even be at odds with each other. And the other thing that disturbs me is, where is the Watermaster in all of this? I mean, the court-appointed Watermaster. And I feel very sorry for the Watermaster, he's a very good friend of mine, Garry Stone.¹⁷ I've known him probably twenty-plus years, the time I've been with the county, because he used to be a County Commissioner over in Douglas County. And he took over from the then-Watermaster Claude Dukes, who'd been there "since Hector was a pup." I guess he'd been there since 1944 or whenever it was.

Anyway, what we were so disturbed about is that he's being left out of this equation. And as I understand it, the decree establishes the position of Watermaster, and the Watermaster is responsible for all the releases and so on, and the timing and whatever else goes on in the Truckee Division. Yet it seems almost that he's being ignored, and I don't know where that leaves

17. Garry Stone participated in Reclamation's Newlands Series oral history project. See, Garry Stone, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, Bureau of Reclamation, August 15, 1994, in Reno, Nevada, edited by Donald B. Seney, www.usbr.gov/history/orallhist.html.

us, particularly, but the federal government is giving the appearance that it doesn't pay any attention to court decrees. A very disturbing turn of events. And I suppose that's one reason why we're concerned, and I think the people up on the Carson ought to be concerned about implications of a CROA on the Carson River, even though the river is fully appropriated. With the imposition of a CROA, will they then come in and attempt to usurp the Alpine Decree?

Seney: Through things like mandating efficiencies and that sort of thing; questioning beneficial use.

Selinder: Exactly. That's a very real problem with us. One that is also a very real problem with the State Department of Conservation and Natural Resources, Pete Morros and of course their consultant which is Roland Westergard, who was the State Engineer for many years and later on was the Director of the Department of Conservation and Natural Resources, that position that Pete is in right now. Are you going to talk to those guys?

Seney: I am. I'll see Roland Westergard next week.

Selinder: Good for you. They'll give you a very

interesting perception of what might happen if the Carson River becomes fully involved in this whole situation and what the implications are for the Alpine Decree. But they have some very well-reasoned concerns, and we do too. And that's why we do not want to be the ones that broach the issue of, I guess "plundering our neighbors." (laughs) That's not our style. We have it hard enough hanging onto what we have. (Laughs)

Seney: At this point are you at all optimistic about the way the negotiations are going to go?

Groundwater Issues

Selinder: Well, we've only had two days of negotiations. I think we'll be in a better position after the next round, to see, which is next week. To see whether we really are going to get anywhere or not. I will say that we had a couple of side discussions. One of the most interesting, or the one that I attended, was one on domestic water here, set up by Ed Solbos at the direction of Bill Bettenberg and Betsy Rieke. One of the major issues that I can foresee coming out of any changes on the Truckee and Carson rivers and the irrigation that comes from them is the groundwater issue

and what's going to happen to it. And what I do find heartening is that they have begun recognizing that there indeed is an impact on groundwater. I was very concerned that that might not end up in the negotiating mix, but it was brought out very early on. The question of recharge and availability of groundwater and so forth. And of course the town of Fernley is in the same bag as we are on that one. And in fact, they can very *definitely* show that their groundwater—I think it's ninety-two percent or ninety-eight percent of their groundwater results from the transportation of irrigation water down the Truckee Canal. Boy, you think about *that* for a minute, you know, there's *no* other water, that's it. And they've done some groundwater studies and studies of the canal, and they find that there's a substantial loss above the town and that goes into the aquifer and recharges what they're drawing from.

Here it's a little different, but I think when you look at the historical aspects of this situation in our community, over at the museum, I remember there was an interesting picture of the old Soda Lake soda works out here. Soda Lake is located north and east of Fallon, and it's a caldera from an old volcanic eruption. It's kind of a shallow cone, but it

does rise up substantially above the desert floor a couple hundred feet. And apparently an old, weathered cone, so it's been there a long, long time. And it has water in it. And back in the late 1800s, early 1900s, there was a soda works at the bottom of Soda Lake, and at that time it was called Oil Lake, because it was so high in dissolved salts, that it was slippery to the touch—and it still is. I mean it's an *extremely* highly alkaline, high T-D-S—total dissolved solvents. (Seney: Undrinkable?) Oh, absolutely. It'd be like drinking a physic, you know, as they used to call them in the West—Pluto water, that kind of thing. (laughter) I mean, I'm sure that it would really go through you.

But the fact is, that the soda works operated down there for a number of years, turning out soda ash for washing product. When the dam was finished and filled, and the irrigation began taking place down here—and I'm not sure exactly how or where in the scheme of things—but within eighteen months, Soda Lake rose *sixty* feet, and completely inundated the soda works, I mean to the point where I guess right now, if I remember correctly, the soda works and the boiler and a few buildings and so on, can still be seen

below the water, and divers have gone down there, and in fact it's been declared as some sort of an underwater archaeological site, which I find fascinating.

And anyway, what I'm trying to get at here, is that we can definitely show that our groundwater is impacted by operations of the irrigation district. But we don't have as good of a, perhaps a direct route that's so easily identifiable as the canal. So we're not sure quite where it comes from, but we do know that since there are only a few thousand acre feet a year of rainwater and precipitation in the area, versus the hundreds of thousands of [acre feet of] water that end up in here, that it sure as hell doesn't come from the sky and so forth, it has to come from the importation of that irrigation water into our community.

END SIDE A, TAPE 2. SEPTEMBER 30, 1994.

BEGIN SIDE B, TAPE 2. SEPTEMBER 30, 1994.

Seney: I understand that one of the things that the Lahontan Valley Environmental Alliance community—obviously the county—is interested in, is a municipal water supply (Selinder: Yes.) being built and provided for (Selinder: Right.) against the possibility that there's not going to be enough water in the

system to recharge the groundwater. Is that one of the things you've got in mind?

Municipal Water Supply

Selinder: Absolutely. I've made it a personal goal. I started this in the beginning, way back when PL 101-618 was first proposed, and we did try to get some language in there, and all we managed to do was get a little, shall we say, some "eye wash," the problem of groundwater will be addressed, as opposed to the word "mitigated," or that they would provide for any long-term solution to our potential problem. But we determined way back in 1977 or '8, and it was borne out through studies that the well users in this area could very easily suffer a catastrophic loss of their domestic water. There are some 4,000-5,000 domestic wells in our community. The bulk of them, it's difficult to say how many, but certainly well over ninety percent of those wells are less than fifty feet deep, which means they're literally drinking surface water. My own well, as an example, is only thirty-nine feet deep, produces some of the best water though. It meets all of the public health standards and everything else. It's wonderful.

But, you can see how fragile that is. Right now, I guess the standing column of water is somewhere in the neighborhood of twenty feet from the bottom—twenty, twenty-one feet. And it rises and falls with the irrigation cycle. And so it's very sensitive to that. So if we wholesale begin purchasing and retiring water rights and are no longer transporting water down canals and some of the laterals, it's conceivable that the water table can drop, and that's been also supported by the Mauer Report, indicating that there could be significant impacts resulting from this change in the regime that's being pursued right now. I think the first thing to happen will be a loss of water quality, more than quantity. Once that begins happening, though, it could happen pretty fast. And certainly the shallow wells are in a very vulnerable position. The City of Fallon maybe is in a *little* better position with respect to its water system, but I have a personal opinion about it, and that is that they will eventually *also* experience water *quality* problems before they do *quantity* problems.

Seney: They draw from wells too.

Selinder: They draw from really a small well system, but it's concentrated in an area called a

fractured basalt aquifer, which is the most prominent feature of that is Rattlesnake Hill out here to the northeast of town, just outside the city limits. And that is a conical-shaped remnant of an old volcanic cinder cone, and then of course it has sort of a mirror image shape underneath, so it's conical on the top, but conical in the other direction down, only it's a much longer taper and goes down to bedrock and wherever the fracture was and the fissures that allowed the magma then to come up through there.

And as it solidified and cooled, it fractured, and is, of course, very porous and interestingly enough, although no one has really made a study of it, a corner of the Carson River flows right over the top of that cone area, off to the side of it, and Mary Reid, being a water expert, feels very strongly, and I tend to agree with her, that the source of recharge is probably the Carson River, a substantial amount of it coming across that corner. In the last decade or so, according to the Mauer Report, the static level of the water in that fractured basalt column has begun going down. It's dropped about ten feet in a decade. The trend line is clearly down, even though it rises and falls annually, with the

seasonal cycles. The trend line is clearly down, which is a disturbing trend, and means that if we're not careful we may not be able to grow much further than where we are now.

And I think the worst thing that could happen to us would be to take away our water and just about strangle us in our ability to grow and try and replace, to a certain extent, the agricultural activities that have sustained us for so long. Even the Navy is beginning to experience problems in their wells. We've heard that along with those losses in elevation, or declines in elevation, the Navy has begun picking up an increased incidence of chlorides in their water supply, which draws also from the fractured basalt aquifer. There are those that hold that that may be a seasonal thing that ties together with maybe an intruding gravel stringer or something, and as the water crosses that area it may be picking up something from that side. That's difficult to find out without a lot more study.

Also, the Fallon-Paiute-Shoshone Tribes have drilled a well in the same fractured basalt aquifer, and they're drawing water for their colony and for the reservation main. They have a pipeline that runs about sixteen miles, I think, out to the reservation from the fractured

basalt aquifer.

The business with the Carson River crossing the corner of that fractured basalt, and the possibility of recharge from there, what we may be seeing at this point in time is a "mini" situation that could be occurring in the long run. Because of the OCAP requirements and the need to improve efficiencies for delivery, the T-C-I-D has removed water from the Carson River for a distance of seven miles and taken it out and put it into more easily maintained straight-line canals that are *straight line*, not lined—straight line canals, run a straight line—and it is more easily controlled to eliminate losses to the best extent possible. But for a distance of seven miles below Coleman Dam here, which is just outside the city limits, there's virtually nothing there now. I don't believe the water is actually flowing any longer—it's sort of just standing there, probably subbing up from the gravels and so on, upstream. But it's created a big, smelly mess there and is really a problem.

That may be impacting the ability of the fractured basalt aquifer to recover and maintain some elevation, because for years everybody's been operating on the fact that for

some strange reason, and this is always a serious error, in my opinion, whenever you make a statement like this, but there are those that hold that the fractured basalt aquifer was a limitless supply of water that would always be there. When you start making those kind of statements, you know what happens, of course, and I believe that's what's happening, and it's all being driven by any one of the actions around here that's affecting the community's water: the OCAP, the purchase and transfer program, to a certain degree also the tribe is looking for another 110,000 acre feet or whatever it is for their *cui-ui* recovery. Where's it going to come from? Well you *know* where it's going to come from. What's going to happen when they take away 110,000 acre feet of water *more* than what they've already done? OCAP has been in effect since 1988, and although they haven't had to meet certain efficiency standards, they've tried to practice as much of it as they possibly could.

Seney: Because of the drought conditions?

Selinder: Well, (sigh) I'm not sure it's because of drought. I think it's a combination of things. Probably the need to try and implement as much as they can to see if there really *are* any efficiency gains; coupled together with the

drought needs, yes, that's true. While the reduction in the *amount* diverted, certainly that's drought-related, but they didn't have to take the water out of the river, for instance, and put in a canal. That's driven by OCAP as I understand it, not by the drought. So there are a lot of things there that are being pursued that we're sort of getting a small taste of what we probably can expect if we ever return to a normal condition, and if OCAP comes into play. And I would imagine, since OCAP really has not been applied since 1988 because we have been in a continuing drought since that time, that they will modify the OCAP to take into consideration drought conditions, and simply not just say that you don't need to meet any requirements. We'll see.

Seney: Let me ask about something slightly different, and that's the discussions about bringing a big federal prison complex here. Obviously, as much as you want to keep the agriculture going and so forth, people have to look to the future. If agriculture fades, you need an alternative. How do you see the prison as an alternative?

Proposed Prison Complex

Selinder: I don't see it as an alternative. I see it more as a diversification. And I would like to retain, to the greatest extent possible, agriculture in the valley, because that's what contributes to the uniqueness of the valley. Otherwise it's just going to be another dusty desert town, like Yuma Territorial Prison. (laughter) Just another dusty border town with a big old prison, and I don't think that's the image that we want to foster.

Seney: Do you like the idea of a prison?

Selinder: Me? Well, I've researched it thoroughly. And I have to say that I don't think that it can do any harm. And I certainly don't think that the influx of a great number of \$32,000, on average, wage jobs into this community would hurt a thing. Probably would be a tremendous benefit. I think where probably it may be of some—what am I trying to say?—some negative impact, would be the community's general face will change forever. You'll bring people in from all over—hopefully well-educated, or reasonably well-educated and so on—but they'll have a lot more money to spend. They will bring with them the demands for living in a big city. You know, all the elements that come along with growth certainly will be there.

But from what we can find out, our commissioners have traveled around and investigated a number of these: one in Florence, Colorado; another one up in Sheridan, Oregon. A couple more here and there that they've looked at, and they went on their own and could find *no* incidents where the impacts were such that the community was branded a prison town or anything else. They didn't have any higher incidence of crime, they didn't have any higher incidence of child abuse and neglect and divorces and things like this. I don't think that really was a factor that anyone brought out. Interestingly enough, the county paid for these guys to travel, the Bureau of Prisons did *not*. They made their own itineraries and they went in and stopped at bars and places like that and talked to people that wanted to talk to them. I mean, they talked to every Joe Blow on the street that they could, to see what their opinion was. And they said that for the most part, and *clearly*, clearly in the majority were those that said, "It's not a bad thing, it didn't hurt us a bit, and in fact may have actually improved our situation."

But they're going to make some water demands on us, aren't they?

Seney: It's contemplated to be quite an extensive facility if it goes the way the Bureau of Prisons wants, is it not?

Selinder: Well, that's right. I mean, you're looking at probably 1,000-2,000 acre feet of water a year. Where is it going to come from? I don't know. If we're going to have it, I think we're going to have to have a decent water system developed. I can envision in my own mind a regionalization of a water system to provide water to *all* of the subscribers, including city residents, for some different reasons there. But what I see happening is the Bureau of Prisons, the Navy, the B-I-A [Bureau of Indian Affairs], could pony-up some monies along with, I think, an outright appropriation from the federal government, *plus* some local monies here too, because I don't think that we should be just simply handed something. But I do think that we should be fairly compensated for all the hell they've put us through. (chuckle) You know, if you get the difference in what I'm getting at. And I think that a regional water system and distribution, treatment, and so on could be developed. And that would include delivering water to the prison. But that also means that they should have to pay a substantial share toward building the system, because they're also

going to be bringing in some people from outside.

Seney: That's right, creating more demand.

Selinder: Yeah, sure. So that's where I stand on this.

Seney: You say, if I may, you say 1,000-2,000 acre feet for the prison. That's just for the prison itself, that's not for the people who'll be moving into the community and maybe expanding the community – or is it?

Selinder: Well, the 1,000 is more for the prison. When I say 2,000, that would take into consideration some of the people moving into the community.

Seney: You know, I'm not sure if I asked you this when the tape was running last time or not, so let me ask you now: Do you think that there's any coordination here? That is, is the Bureau of Prisons coming to Fallon knowing that the Newlands Project is maybe shrinking and it's a kind of [trade off].

Selinder: No, I don't think that's coordinated at all. In fact, I'll tell you a little story about that. It's rather interesting. I first got news of this

proposal for possibly a federal prison coming into the area from John Nolan who is the U-S-G-S Division Chief here in Carson City. He called me out of the blue and said, "Do you realize that there is a proposal to place a federal prison in this area?" And I said, "No, I hadn't heard a word about it." And he said, "Well, let me give you some information and somebody you can contact." So he did, he gave me the information, and he said, "You mean you *really* hadn't heard about this?!" And I said, "No, I haven't even read about it in the paper." He said, "Well, I think Reno-Sparks rejected it. I think it's too far out to be put in Ely." They're in the middle of nowhere which is where one of the state prisons is located now. And he said, "If it doesn't go in one of those locations, it may end up going into California. They're clearly looking at a regional location."

So I thanked him very much and I proceeded to call a guy by the name of David Doorworth [phonetic spelling] who turned out to be quite a character, I like him a lot. David came out and visited with us. He's from the Bureau of Prisons. And visited very informally with us and made a presentation to members of our community, including, individually, our Board of County

Commission members. We just sort of scrambled them up so we didn't end up with any violation of the open meeting law. They just had a presentation made to them of what it might bring, what it might entail and so forth. So at that point then the Board of County Commissioners took the bull by the horns and they decided they wanted to kind of pursue it a little bit. So they traveled and looked at some of these things. They formed up a committee to investigate all of the problems that might be inherent with this: everything from law enforcement to traffic to schools. It turned out to be quite a definitive document, in my opinion, of what the findings of this committee were. And none of them could find any serious situations that would outweigh the positive things that might come about from this placement.

But in the meantime, then, a very strong but vocal minority began forming around the anti-prison business. That's where we are at this point in time. The board finally got so tired of listening to this that they said, "Fine, we'll put it on the ballot for the November elections, and you all will have an opportunity to express your opinions, because we have no way of making this a binding vote."

Seney: That's a politic thing to do in a small town isn't it.

Selinder: It is, it is, you bet. So then in the meantime this small group—and I don't know *where* they got their legal advice, but I thought it was absolutely crazy and somebody ought to be disbarred for it, because I've never heard of anything so nuts—they decided they would pursue an initiative petition and referendum to change the county zoning ordinances to outlaw prisons in any zone in the county, right? Well, two problems are inherent with that. Even so, they went out and they got 1,600 signatures down here at the local Raley's Store, and came in demanding that the Board of County Commissioners put it on the ballot as a change in the ordinance, the referendum process. And the board had sixty days to take an action on it, and they said, "Well, we want to research this thoroughly before we go and stick *our* foot in this." Two things came out: one was that patently you cannot zone federal land and expect the federal government to adhere to that. Because of separation of powers, the federal government is sovereign, just like the county and the city and the state are sovereign, and they cannot have the will of another imposed on them—to a certain extent anyway.

- Seney: I know, there's a lot of ambiguity.
- Selinder: Right, there are a *lot* of ambiguities.
- Seney: You can't make them do something, but . . .
- Both: (in unison) . . . they sure can make you do something.
- Selinder: . . . with the "carrot and stick" approach.
- Seney: Exactly, right.
- Selinder: So anyhow, that was the number one reason that the board could not take the particular action that had been put before them. Secondly, was that there were *two* Supreme Court decisions in our own state that seemed to hold that the passage of a zoning ordinance is a legislative act, essentially, but the enforcement of that ordinance is an administrative act, and an administrative act does not lend itself to the initiative petition and referendum process. So what they said was, "Whatever you guys did, it'd be unconstitutional on two fronts," essentially. So the Board of County Commissioners said, "Well, there's nothing we can do about this." So essentially they just let it go. And of

course, then they had people all over them *demanding* that they take an action to place this on the ballot—never realizing that the sixty days had passed and that the only action then would be to put it on the ballot, but the County Clerk was caught between the two Supreme Court decisions and the constitutional question, and therefore she had no choice but to deny it could be put on the ballot—couldn't go anywhere. So that's where it sits to this day.

Seney: With the referendum coming up . . .

Selinder: There is no referendum.

Seney: Oh, there isn't?!

Selinder: No, there is only an advisory ballot.

Seney: Okay, that's what I guess I mean.

Selinder: And I think what the Board of Commissioners has found to be so disturbing is these people are running around saying, "Well how do you know the Board of County Commissioners is going to do what you vote for?" And boy that's really hurt the commissioners' feelings on this thing.

Of course the other thing too is somewhere along the line one of our commissioners was an ex-schoolteacher, reminded everyone that, "Hey, this is a republic, you know, and as such, you elect us to make decisions, the hard decisions like that. And in this case we've even gone so far as to say we'll defer that hard decision until we get advice from the people. That's as good as we can do it. We have no other authority. That's as good as we can do."

Seney: How do you think the vote's going to go?

Selinder: I don't know. I am, barring any last-minute shenanigans, I guess, I think that it will come out in favor of putting the prison here. And the reason I say that is, a number of years ago, you know, that this is the only county in the country that has legally-mandated prostitution—I don't know if you're aware of that—which is a little strange, considering the somewhat somber and sober make-up of the community as a whole. But back in 1974 there was a big issue which resulted in an initiative petition and a referendum to place an ordinance on the books to legalize prostitution. And the arguments got so rank and disgusting that I think there was a huge

voter backlash resulting in the passage of that initiative petition, or the ordinance, essentially, by a two-to-one margin. It *passed*, two to one, and I don't know but what maybe that'll happen here too, because I think the one thing that this community and most western communities prides itself on is, "By God, nobody's going to tell us what to do. We'll do it ourselves." And it's a matter of pride, and I'm wondering if that won't surface a little bit here too. It'll just be kind of an indicator that people don't like being told how to vote on anything.

And a minority group is running around telling them how to vote and trying to use scare tactics and bullying and whatever else. In fact, I understand they use quite a few bullying tactics to get the signatures on the petition. People would walk into the Raley's Store and they'd be accosted, essentially, by these folks, and then they would be told half-truths. It was a pretty messy situation. But that's water under the bridge and there's nothing we can do about that. We'll just have to wait and see where it goes, but I'm hoping that people are open-minded enough to understand the reasons why the board didn't put it on as a modification to a zoning ordinance. And that they *will* indeed do the

bidding of the people if there's a clear indication of what needs to be done.

Seney: Any kind of campaign being run on behalf of this?

Selinder: Well, the antis are out there, although they've been very quiet lately, surprisingly. And recently, within the last couple of weeks, I understand that there has been a pro group formed of businesspeople and so on through the Economic Development Authority, and through the Business Council.

Seney: You didn't have anything to do with that?

Selinder: No, I did not. (both laugh) I can safely say that, I did not. It surprised me.

Seney: From your face, that's a genuine denial.

Selinder: Yeah, you'd better believe it! In fact, it surprised me.

Seney: You can understand why I asked.

Selinder: In all honesty, I had kind of talked to the lady who's in charge of the Economic Development Authority, and she had wondered out loud to

me what to do about something, you know, on the other side. I said, "I don't know what to do about it. I really have no suggestions. I suppose one thing you might think about is forming up a group that would be promoting this, but I don't know if you'll be able to get it on, because of concern and fear by some people that have been expressed in terms of, 'Well, I'm not going to come out and say that I'm in favor of this because I'm worried about my business relationship with the community.'" I don't know, what do you do about something like that? So it surprised me when it *did* come out. I didn't think anybody was going to do that.

Seney: What is the date of the vote?

Selinder: That would be the second Tuesday in November, the eighth.

Seney: So it's coming up soon.

Selinder: Right. And it's a very simple question: Do you favor the placement of a federal prison in Churchill County, yes or no? Just that simple—no tricks, no gimmicks. (laughs) None of those double negative things where you vote "no" and it means "yes."

Seney: Well, I want to thank you very much.
(Selinder: Sure.) The tapes about to run out. I really appreciate your indulging me today, especially since I know you're in some discomfort here.

Selinder: Yup, it's a treat. (laughs) I felt it was important.

Seney: I will be back to see you again (Selinder: Good, please do.) when those negotiations are completed, and we'll see what shape perhaps a settlement has taken.

Selinder: Indeed. That'd be very interesting.

Seney: Great, thank you again.

Selinder: Sure thing, Don.

END SIDE B, TAPE 2. SEPTEMBER 30, 1994.
END OF INTERVIEWS.